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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

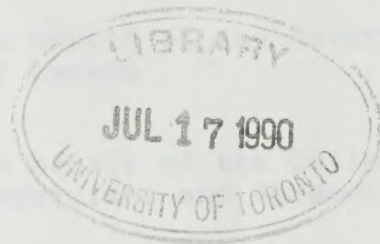
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON MONDAY, MAY 1, 1989

VOLUME 43

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(i)

C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
J. DePENCIER	on behalf of the Government of Canada
J. PORTER	on behalf of the College of Physicians and Surgeons
R. McCREATH	on behalf of the Canadian Olympic Association
D. KIRBY P. BONNER	on behalf of Sterling Drugs
A. PRATT	on behalf of Charles Francis
E. FUTERMAN	on behalf of Ben Johnson
D. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan

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---Proceedings resumed

THE COMMISSIONER: I must apologize for the delay but I had a meeting at Osgoode Hall this morning at
5 ten. I wore my other hat this morning. I'm back here, though, Ms. Chown and ready for you.

MR. ARMSTRONG: Good morning, Mr. Chairman. Our first witness, this morning is Mr. Kiefer from Sterling Drug Limited.

10

JOSEPH KIEFER; Sworn

THE COMMISSIONER: May have your name, please?

15

MS. BONNER: Mr. Commissioner ---

MS. CHOWN: Mr. Commissioner, perhaps I may introduce Ms. Bonner and Mr. Kirby are here representing Sterling Drug.

20

THE COMMISSIONER: Thank you, morning. All right, Ms. Chown?

MS. CHOWN:

25

Q. Thank you. Mr. Kiefer, I understand that you are the secretary and director of Corporate Relations of Sterling Drug Limited?

A. That's correct.

Q. And Sterling Drug Limited has its head office in Aurora?

A. In Aurora, Ontario.

5 Q. Am I correct in understanding that Sterling Drug Limited is a wholly-owned subsidiary of a U.S. company whose name is Sterling Drug Incorporated?

A. That's correct.

Q. And it is based in New York City?

10 A. In New York City.

Q. Dealing as we will be today with the Canadian operation, Mr. Kiefer, can you outline for us the corporate organization of Sterling Drug Limited in Canada, in particular, what its divisions are?

15 A. In relation to the offence we're discussing here, there are two main divisions that we would be concerned with. One is called Winthrop Pharma and the other is Winthrop Animal Health Products.

20 Q. I understand that you do have other corporate divisions ---

A. Yes, we do.

Q. --but they do not deal with product lines that are relevant to the Commission?

A. That's correct.

25 Q. And dealing with Winthrop Pharma, first

of all, what does that division do?

A. The Winthrop Pharma division is responsible for the marketing and distribution of our drugs that are intended for human use. And the division promotes and sells these products through a system that comprises of pharmacies, hospitals, clinics, doctors.

Q. And we're going to come back a little bit later about the rules and regulations governing to whom you sell but, for the moment, Winthrop Pharma then is your division that deals with the sale of pharmaceuticals for humans?

A. That's correct.

Q. And Winthrop Animal Health, I take by its name, deals with your veterinary product line?

A. With our veterinary product line, yes.

Q. Of particular interest to this Commission, Mr. Kiefer, is your product stanozolol which you sell under the brand name of Winstrol?

A. Yes, that's correct.

Q. Of course, your company has many other product line but I'm going to be focusing my questions to you on Winstrol.

First of all, am I correct in understanding that Sterling is the only manufacturer and distributor of stanozolol in North America?

A. We are the only legitimate manufacturer and distributor in North America.

Q. You're pausing to use the -- or introduce the word legitimate to the extent that there are other product introduced in North America through non-legitimate channels?

A. That's correct.

Q. That's something else. Now, as we've mentioned, you sell stanozolol under the brand name Winstrol in North America?

A. Yes.

Q. But I understand that there is product available -- stanozolol available in other countries under different names?

A. Yes. We sell it under the brand name Stromba and Strombaject but they are all forms of stanozolol.

THE COMMISSIONER: Stromba -- what was the second one, Stromba ---

THE WITNESS: Strombaject.

THE COMMISSIONER: 'Ject?

MS. CHOWN: J-E-C-T.

THE COMMISSIONER: Are they the same?

THE WITNESS: Yes.

THE COMMISSIONER: Stromba and Strombaject

are the same.

THE WITNESS: Yes, they're just different brand names, trade names that we use in different countries.

5

MS. CHOWN:

Q. But in North American the only brand name that you use is Winstrol?

A. That's correct.

10 Q. The Winstrol that you distribute in North America comes in both a tablet and an injectable form?

15 A. The -- no, the Winstrol comes only in the tablet form. The Winstrol V comes in a tablet and an injectable form.

Q. Now, just so we clear it up, you do sell stanozolol for both veterinary purposes and human purposes?

A. That's correct.

20 Q. And, in fact, there are three veterinary product forms that you distribute?

A. That's correct.

Q. Two sizes of injectable?

A. Two sizes, yes.

25 Q. And one form of two milligram tablets?

A. There are two forms of tablets of the Winstrol V, two milligram tablets, and then there is another form as well.

Q. There is ---

5 THE COMMISSIONER: Winstrol V tablets?

THE WITNESS: Yes.

THE COMMISSIONER: As I understand ---

THE WITNESS: It's a chewable form.

THE COMMISSIONER: Pardon?

10 THE WITNESS: It's a chewable flavour form.

THE COMMISSIONER: As I understand it, the Winstrol is still a part of the -- what we call the pharmaceutical branch, that is the first branch is only in tablet form?

15 THE WITNESS: That's correct. That's for the human use.

THE COMMISSIONER: All right. Then on the veterinary side, you have tablets.

THE WITNESS: Tablets and the injectables.

20 THE COMMISSIONER: Two types of tablets?

THE WITNESS: That's correct.

THE COMMISSIONER: One by swallowing, one by chewable?

THE WITNESS: That's correct.

25 THE COMMISSIONER: And also an injectable,

Winstrol V?

THE WITNESS: That's right.

THE COMMISSIONER: That's for veterinarian
use only?

5 THE WITNESS: That's all for veterinarian
use only.

MS. CHOWN:

10 Q. Dealing just with the veterinary
products, you have brought with you today a sample of the
Winstrol V injectable stanozolol. That, as we've heard,
is a veterinary product?

A. That's right.

Q. It's an injectable?

15 A. Injectable.

Q. And that particular form is in a 30
millilitre vial?

A. That's right.

20 Q. And it is labelled, on both the box and
the inside packaging, as being for veterinary use only?

A. Yes.

THE COMMISSIONER: Does it describe what use
is to be made out of -- first of all, it's got the
ingredients set forth on the outside, does it?

25 THE WITNESS: Yes, it does.

THE COMMISSIONER: What type of animals
are ---

THE WITNESS: This would be used for both
small and large animals; dog, cats, horses.

5 THE COMMISSIONER: As well ---

THE WITNESS: And ---

THE COMMISSIONER: Cattle?

THE WITNESS: No, it is not used in cattle.

10 MS. CHOWN:

Q. And indeed, that particular package you
have in your hand has the package insert ---

A. Yes.

15 Q. ---with it that deals with the product
use with small animals?

A. Yes, both for small animals and horses.

20 Q. And you've identified the kind of
animals that Winstrol V injectable is used for. What the
the legitimate, clinical use of this injectable for these
animals?

25 A. It would be used mostly in cases where
animals have been suffering -- well, say, from surgery,
where they've gone off their feed and it is used to
enhance their ability to utilize protein in building their
muscle bulk back up.

It's used in horses, where a horse has had an over-worked condition or also been suffering from surgery, they often go off their feed, and it's important to enhance their ability to assimilate proteins as much as possible. And that is what in simple terms what it's used for.

MS. CHOWN: Mr. Commissioner, I wonder if we might mark that 30 millilitre package and bottle of Winstrol V as the next exhibit?

THE COMMISSIONER: 151.

THE REGISTRAR: 151.

THE COMMISSIONER: You promised me there would be nothing more after 150.

---EXHIBIT NO. 151: 30 Millilitre vial of Winstrol V

MS. CHOWN:

Q. Now, as well as the 30 millilitre vial that we've just marked as Exhibit 151, I understand Sterling also manufactures a Winstrol V injectable in a ten millilitre vial?

A. That's correct.

Q. And there is no difference in the composition of that product with the one we've marked as Exhibit 151?

A. That's correct. The only difference is the total number of doses that are in the vials. The concentration of stanozolol is the same in both of them.

5 Q. And are both these vials, that is the 10 millilitre and 30 millilitre, multi-use vials?

A. Yes, they are.

THE COMMISSIONER: What does that mean?

MS. CHOWN: I beg your pardon?

THE COMMISSIONER: What does multi-use mean?

10 MS. CHOWN: Multi-use, as I understand it

THE COMMISSIONER: Well, let's the -- ask the witness? What is multi-use.

15 THE WITNESS: The veterinary would keep it there and as he needed it, he would just withdraw whatever dose he would need to the individual animal and he could use that same vial over again. It's just a handy way for him to have it on hand.

20 THE COMMISSIONER: Instead of a single injection?

THE WITNESS: Instead of a single injection.

MS. CHOWN:

25 Q. Mr. Kiefer, we've had previously marked in the hearing as Exhibit 128 some two milligram tablets

of Winstrol V. I'd ask you to look at this exhibit and tell me if that is a product that -- manufactured by Sterling?

A. Yes, it is.

5 Q. And those are the tablets that you've mentioned before that are for veterinary use?

A. Yes, that's correct.

Q. But these are not the chewable tablets?

A. No.

10 Q. What is the appearance of the tablet?

A. They're a small pink tablets.

THE COMMISSIONER: Two milligrams?

THE WITNESS: Two milligram tablet, yes.

15 THE COMMISSIONER: Doesn't that bottle just say for cats and dogs. It doesn't say anything about horses.

THE WITNESS: No, this would not be used for large animals. This would only be used for cats and dogs.

20 MS. CHOWN:

Q. And finally, you mentioned that your company manufactures a two milligram chewable tablet in a liver flavor?

A. Liver flavor, yes.

25 Q. What kind of animals is that popular

with?

A. Also cats and dogs that prefer another flavor.

5 Q. So those four product forms then are the veterinary forms of the stanozolol that you sell?

A. Yes, that's the whole line.

THE COMMISSIONER: There is only three of them.

MS. CHOWN:

10 Q. There is two sizes of the injectable.

THE COMMISSIONER: Well, that's the same product.

MS. CHOWN: Same product.

THE COMMISSIONER: Three products?

15 MS. CHOWN: Three products, four forms.

BY MS. CHOWN:

20 Q. With respect to the products that you manufacture for human use, Mr. Kiefer, I understand that you manufacture two milligram tablets?

A. That's correct.

25 Q. I'm showing you a bottle marked "Winstrol - 100 tablets," and underneath it says "Stanozolol Tablets - two milligram". Is that the product that we're talking about?

A. Yes, this is the two milligram product for human use.

Q. What is the legitimate, clinical use for humans, of stanazolol?

5 A. There are a variety of uses. It's used in a condition called hereditary angioedema. It's actually used as a preventive medicine there. This condition occurs mostly in young people and children and it's one where the throat can suddenly swell and close up.
10 It works as a preventative there with these children. It's a rare condition.

THE COMMISSIONER: Is there literature that accompanies that bottle as there is in the other packages. Do you have any other literature?

15 THE WITNESS: No, there is no literature. This would be provided to the physicians for their use. We do not have it with this.

MS. CHOWN:

20 Q. Is there a package insert that goes with that?

A. No, not with this.

THE COMMISSIONER: That is sold, as you said earlier, to hospitals, pharmacists and doctors?

25 THE WITNESS: And drug wholesale.

THE COMMISSION: Drug wholesale.

MS. CHOWN:

5 Q. Does Sterling Drug Limited manufacture
an injectable product of stanozolol for humans?

A. We do but not in North America.

Q. Where is it made?

A. It's made in England. It's currently
being sold only in Switzerland and West Germany.

10 THE COMMISSIONER: Is that a new product?

THE WITNESS: No.

THE COMMISSIONER: So in Europe there's
always been an injectable Winstrol?

15 THE WITNESS: There has been a form of
injectable form there for a good number of years and it's
been cleared in a number of countries. It's currently
only being sold in two, those two.

THE COMMISSIONER: It's not been cleared in
North America, I gather?

20 THE WITNESS: No, we've never submitted it
for human use in North America.

THE COMMISSIONER: But it's for human use,
where, in England, you said?

25 THE WITNESS: It has been. It's no longer
sold in England but up to last year it's has been sold

there.

THE COMMISSIONER: Where else is it being
sold?

5 THE WITNESS: Currently only being sold in
West Germany and Switzerland.

MS. CHOWN.

Q. That product, I understand, is sold
under the product name of....

10 A. Stromba.

Q. Stromba.

THE COMMISSIONER: I'm sorry I interrupted
you, Ms. Chown. You're talking about the therapeutic use
of this for humans. You mentioned one. What others?

15 THE WITNESS: It's also used in certain
forms of osteoporosis. It's used in angioplastic anemia
which is a blood disorder and ---

THE COMMISSIONER: Certain type of anemia?

THE WITNESS: Yes, it is.

20

25

MS. CHOWN:

Q. And, Mr. Kiefer, this Stromba, the injectable product for humans, what kind of vial does it come in?

5 A. It comes in a 1 millilitre vial. It's a single dose.

Q. That is, all the drug would be drawn out of the vial and the vial discarded after one injection?

10 A. That's correct.

THE COMMISSIONER: So it's not the same amount, is it, as in this Winstrol V?

15 THE WITNESS: No, the Winstrol V has 30 millilitres in it and the Stromba has 1 millilitre. It's a single dose. It has the same concentration as 50 milligrams of stanozolol per millilitre, but there's only one dose in the Stromba version.

MS. CHOWN:

20 Q. Mr. Commissioner, I wonder if we might mark the bottle containing 100 Winstrol tablets as Exhibit 152.

THE REGISTRAR: 152, Commissioner.

25 ---EXHIBIT 152: Bottle containing 100 Winstrol tablets.

MS. CHOWN:

Q. Mr. Kiefer, just following up on a question by the Commissioner, you have indicated to us as far as the injectable product goes, there is not any difference in composition between that product manufactured in England for human use and the product for veterinary use in North America?

A. In terms of concentration, no, there isn't.

Q. With respect to the tablets, I understand you have in front of you Exhibit 128, being the veterinary 2 milligram tablets, and we have just marked as Exhibit 152 the human 2 milligram tablets. Is there any difference in composition between these two products?

A. No, those tablets are identical.

THE COMMISSIONER: Why do you have the two different packages? Why couldn't you just say for anybody's use?

THE WITNESS: You're dealing with two completely different channels of distribution and two completely different groups that would be administering the products, and we would have to apply initially to the government to get clearance for the product's sale for humans and we would have to make a separate submission for

the product sale for veterinary use. So they are considered. Even though the drug itself is identical, the packaging, the labeling, the directions, the product monographs are completely different because of the end user and--

THE COMMISSIONER: I guess we will worry more about that later.

MS. CHOWN:

Q. Mr. Kiefer, I would now like to ask you, if I could, to identify when these products became available in North America; for instance, the three veterinary products?

A. The three veterinary products became available in 1981.

Q. And the human 2 milligram tablets, when did they become available?

A. It would be 1962.

Q. And do you have any information on when--

THE COMMISSIONER: Do you have a world-wide patent for this?

THE WITNESS: We did have. The patent has expired.

THE COMMISSIONER: Was it your patent in

1962?

THE WITNESS: Yes, it was our development in the late fifties and early sixties.

THE COMMISSIONER: And that would be a world-wide patent?

THE WITNESS: Yes, it would have been.

MS. CHOWN:

Q. And, Mr. Kiefer, do you have any information as to when the injectable Stromba, the injectable for humans, first became available?

A. I can't recall that.

THE COMMISSIONER: You can find that out.

MS. CHOWN:

Q. Turning now, if I could, to the manufacturer of these products and dealing first of all with the injectable Winstrol V, can you tell me at the present time whether you manufacture that product here in Aurora?

A. No, we don't. The product is manufactured in our facility in McPherson, Kansas, and it's packaged and labeled there. We do not manufacture it in Aurora.

Q. You simply import the packages which

are already labeled and boxed?

A. Yes, with appropriate Canadian labeling.

5 THE COMMISSIONER: But it's actually packaged in the States?

THE WITNESS: Yes, it is.

THE COMMISSIONER: And labeled in the States?

THE WITNESS: Yes, it is currently.

10 THE COMMISSIONER: All right.

MS. CHOWN:

Q. And has there been any change in that since 1985?

15 A. Yes, prior to this past year, we used to have the vials actually filled in McPherson, Kansas, brought in in bulk lots, and we did the actual labeling and packaging in Aurora.

THE COMMISSIONER: By using your own vials?

20 THE WITNESS: Right.

THE COMMISSIONER: May I have one of the Winstrol V bottles, please. Is it 151?

THE REGISTRAR: That's 151.

25 MS. CHOWN:

Q. For instance, dealing with Exhibit 151, prior to 1988, what you would have received was a vial that was filled but was not--did not contain any labeling and was not in a box?

5 A. That's right. It just would have been the vial without any labeling. The rest of the operation--

THE COMMISSIONER: I've sort of lost track. Up until what time was the labeling of the package in the States?

10 THE WITNESS: It would have been late '87, early '88.

THE COMMISSIONER: Before that time, it was all done in the States?

15 THE WITNESS: No, just the vial was filled in the States, brought in and we did the labeling and packaging in Aurora. Now because we have closed down that part of our manufacturing operation, we bring it in completely filled, labeled and packaged.

20 THE COMMISSIONER: But up until a very recent date, the vials were actually in your operation in Aurora, so the product was brought in in bulk, as it were?

THE WITNESS: It was brought in in a vial. We just put the labels on it.

25 THE COMMISSIONER: It was already in its

form, except for the label?

THE WITNESS: That's correct.

THE COMMISSIONER: You call this a vial?

THE WITNESS: That's correct. That
5 container is a vial.

THE COMMISSIONER: Okay.

MS. CHOWN:

Q. And with respect to the tablets, do you
10 manufacture or form the tablets in any way here in
Ontario?

A. Yes, we do. We import the bulk
stanozolol with powder and we do the actual packaging in
Aurora and then go through the process of putting them in
15 the bottles, labeling, sealing them and then shipping the
cartons.

Q. When you say the bulk powder comes from
outside the country, that is the stanozolol itself?

A. That is the stanozolol itself.

Q. Is there anything that you add to that
20 powder prior to forming it into a tablet?

A. Yes, there would be a binder added to
help it retain its tablet shape.

Q. So once you have formed the tablets,
25 you then bottle them and box them?

A. That's correct.

Q. With respect to the chewable tablets, what is the situation with respect to manufacturing?

5 A. That's a little different again. We actually import the tablets from our facility in New Jersey and we then again put them in the bottles, label them and carton them here. We do not do the actual tablet pressing here in Aurora.

Q. All right. Now we have touched--

10 THE COMMISSIONER: Where does the bulk come from, the bulk stanozolol?

THE WITNESS: It comes from our facility in Puerto Rico. We actually make the chemical.

15 THE COMMISSIONER: In Puerto Rico to begin with?

THE WITNESS: Yes.

THE COMMISSIONER: That's the bulk?

THE WITNESS: That's correct.

20 THE COMMISSIONER: That's the powdered substance?

THE WITNESS: That's correct.

MS. CHOWN:

25 Q. We have touched on this somewhat in earlier questions, but I wish now to turn to the

purchasers of stanozolol, who you sell your product to.
Now I understand stanozolol is a drug listed on Schedule F
under the Food and Drug Act?

5 A. That's correct. It's a prescription
drug.

 Q. But you as a manufacturer are permitted
to sell this drug without prescription to certain classes?

 A. That's right.

 Q. And those classes include pharmacies?

10 A. Pharmacies.

 Q. Hospitals?

 A. Hospitals.

 Q. Drug wholesalers?

 A. Drug wholesalers.

15 Q. And individual practitioners?

 A. Yes.

 Q. Just coming back to drug wholesalers
for a moment, I understand that there are different
wholesalers for the veterinary products as there are for
20 the human?

 A. Yes, there are.

 Q. But could you explain to us, first of
all, what a drug wholesaler is and how such a company
operates in the distribution of your product?

25 A. Drug wholesalers, it's virtually

impossible for drug companies to get around to calling on all of these pharmacies across the country. In particular -- and it's not unique to our company, so we sell our products to these drug wholesalers who have a much bigger network of contacts across the country. They carry our products and they are subsequently ordered by the pharmacies to replenish their stocks. The wholesaler has the same right to sell prescription products, drug wholesalers do, to pharmacies as we would if we were selling direct. So we sell both ways. We sell to the pharmacist and we also sell to wholesalers, but you can imagine what the many drugs that are on the market are. It would be virtually impossible for a pharmacy to carry every size, every form of every drug that's available.

Q. And the individual practitioners that you are allowed to sell to without prescription, who falls in that group?

A. There would be medical doctors, veterinarians, dentists.

Q. And of those groups then, the hospitals, the pharmacies, the drug wholesalers and the individual practitioners, which makes up the majority of your customers?

A. For the--

Q. Let's deal first of all with the--

THE COMMISSIONER: For what product, Miss Chown?

MS. CHOWN:

5 Q. For the veterinary product.

A. The veterinary product, we call them veterinary purchasing groups. It's a different name. We are referring to the same function and we sell approximately 85% of our veterinary products to the veterinary buying groups.

10

Q. And with respect to the human tablets?

A. It's about 54% goes through the drug wholesalers.

THE COMMISSIONER: I'm sorry, you're speaking of stanozolol, Winstrol or all products?

15

THE WITNESS: No, Winstrol specifically.

MS. CHOWN:

Q. And would it be common for you to sell, let us say, Winstrol directly to individual practitioners such as a vet, a doctor or a dentist?

20

A. It's not a common practice.

Q. However it does occur from time to time?

25 A. It does occur, yes.

Q. And what checks, if any, Mr. Keifer, do you carry out to ensure that a person is indeed a licensed practitioner if that person approaches your company to buy direct?

5 A. There are several steps that are taken. We have the Canadian Medical Association listing of doctors. That's checked. We check with the listings that we have from the provincial bodies, licensing bodies, and a phone call is made to follow up on that. Subsequently,
10 the account is assigned to a sales representative who is responsible for the territory in which that account is located. He will then do a follow-up call at the appropriate time and that, of course, further establishes if the practitioner is indeed in business.

15 Q. In the line of business that you expect to be?

A. Yes.

Q. And are those checks applied as well for veterinary practitioners and dentists?

20 A. It's a parallel checking process. The lists are somewhat different. In the cases of the veterinary, the list is checked. There is a phone call made, for instance, in Ontario to the Ontario veterinary licensing body and then again the same kind of process
25 would take place where that account would be assigned to a

particular salesperson and he would then pursue that to see what his specialties might be, what his interests would be, where our product line might fit into that particular practice.

5 Q. Are you permitted to sell veterinary products to licensed practitioners who are not veterinarians?

 A. We are. Yes, we can sell them to medical doctors.

10 Q. And I take it as well to dentists?

 A. Yes.

 Q. Now, Mr. Kiefer, at our request have you reviewed your sales records with respect to seeing what purchases, if any, Dr. George Astaphan made from your company?

15

 A. Yes.

 Q. And you have brought with you today copies of invoices relating to his purchases from you?

 A. I have.

20 Q. And do these invoices relate to all his purchases or just his purchases of Winstrol?

 A. Just his purchases of Winstrol.

 Q. And in fact did he buy anything else from your company?

25 A. No.

THE COMMISSIONER: Is this only Dr.
Astaphan, Miss Chown?

MS. CHOWN: Pardon me?

5 THE COMMISSIONER: Is this only related to
Dr. Astaphan?

MS. CHOWN: Yes, it is, Mr. Commissioner.

Q. Mr. Kiefer, do you have a copy of these
sales invoices with you?

10 A. Yes, I do.

THE COMMISSIONER: Well I gather you sold
this same product to other doctors as well?

THE WITNESS: A few.

15 MS. CHOWN:

Q. Mr. Kiefer, I would like to review
these sales records with you. They incorporate records
from June 25th, 1985, up to and including December 9th,
1987.

20 A. Yes.

Q. If you can just look at the first
invoice we have at the top in the middle, there is an
indication that this particular order was sold to Dr.
George Astaphan and an address on Keele Street is given?

25 A. That's correct.

Q. Immediately to the right of that is the shipping address which in this case is the same address that is on Keele Street?

A. That's correct.

5 Q. And going down to the body of the invoice, there is at the right hand side, the top, it's a little bit hard to read, but an invoice date 06/25/85?

A. That's correct.

10 Q. I'm reading that in the right order.
That's June 25th, 1985.

15

20

25

A. That's right.

Q. And then going down to the body of the invoice where the order is set out, can you tell us what this particular order was for?

5 A. This order was for 10 bottles of Winstrol-V 2 milligram tablets, each bottle containing 100 tablets.

Q. And that is the product that we have identified earlier as Exhibit 128?

10 A. Yes.

THE COMMISSIONER: So, in this case, you are selling a veterinary product to a medical practitioner?

THE WITNESS: That's correct.

15 THE COMMISSIONER: And you say that there is no -- I am not questioning this, but apparently there is no limitation on your right to do that?

THE WITNESS: Absolutely none.

20 MS. CHOWN:

Q. And that was all that Dr. Astaphan ordered from you on that occasion?

A. That's correct.

25 Q. We go then to the second invoice in this group, the date on that is August the 9th, 1985, and

that indicates an order of 20 bottles, again of the Winstrol-V 2 milligram tablets?

A. That's right.

Q. Turning over to the third invoice --

5 THE COMMISSIONER: I am sorry, how many hundred, five?

MS. CHOWN: Hundred tablets a bottle.

THE COMMISSIONER: Only one or five of them?

10 THE WITNESS: No, it was 20 bottles --

THE COMMISSIONER: Right.

THE WITNESS: -- 20 bottles each of 100 tablets.

THE COMMISSIONER: Twenty bottles.

15 THE WITNESS: Yes.

MS. CHOWN:

20 Q. Mr. Keifer, there is a reference to lot of five, is the statement under the heading Winstrol-V 25 milligram tablets. Does that indicate that the boxes were shipped in lots of five?

25 A. I assume. It is usually common to bundle individual packages together. And I assume that this -- these were bundled in lots of five. That's an assumption on my part.

Q. If your assumption is correct, then what would have been delivered was four lots of five for a total of 20 bottles?

A. If I am assuming correctly, yes.

5 Q. Going over then to the next invoice --

THE COMMISSIONER: How many tablets is that, is that --

THE WITNESS: That would be 2,000 tablets.

10 THE COMMISSIONER: Two thousand, that's right.

MS. CHOWN:

Q. Going over to the next invoice --

15 THE COMMISSIONER: What date was this, Ms. Chown?

MR. ARMSTRONG: The date, Mr. Commissioner, is August 9, 1985.

THE COMMISSIONER: Thank you.

20 MS. CHOWN:

Q. And the next sheet, the date of the invoice is September 11, 1985, and that order is as well for 20 bottles of the Winstrol-V 2 milligram tablets?

A. That's correct.

25 Q. So, that's another 2,000 tablets?

A. Yes.

Q. Turning to the next invoice, Mr. Keifer, the date on that is November 8th, 1985? It is a little bit hard to read?

5 A. Uh-huh.

Q. Can you tell us what the order was for in November of 1985?

A. The order was for two 30-millilitre vials of Winstrol-V, and 15 bottles of the Winstrol-V 2
10 milligram tablets.

Q. So, this is the first time in Dr. Astaphan's orders that he has ordered a veterinary injectable product?

A. That's correct.

15 Q. And the injectable 30-millilitre vial is the same as we have now marked as Exhibit 151?

A. That's correct.

THE COMMISSIONER: Another what, 1,500 tablets?

20 THE WITNESS: Yes.

MS. CHOWN:

Q. Mr. Keifer, you have reviewed the rest of the records, after November of 1985, does Dr. Astaphan
25 order tablets ever again?

A. No.

Q. So, this order then of 15 bottles or 1,500 tablets is the last order for the veterinary tablets of Stanazolol?

5 A. That's correct.

THE COMMISSIONER: That's November of '85.

MS. CHOWN: Yes.

THE WITNESS: Yes.

10 MS. CHOWN:

Q. Going over to the next invoice, which is also the next month, the invoice date is December 4, 1985, and that is again for the Winstrol-V injectable in the 30-millilitre vial?

15 A. Yes.

Q. Now, he has, as I understand this invoice, put an order in for five of the vials, but there is also a reference here to one Winstrol-V injectable vial, no charge. Can you explain that, please?

20 A. Yes. In our industry, it's quite common practice to have promotional plans in effect really which are instituted as a -- to deal with competitive situations where you indicate to an account you buy five and we will give you one as a no-charge item to go along
25 with that.

THE COMMISSIONER: The cost is \$315.00, is that right, \$60 a vial; is that what it is?

THE WITNESS: Yes, it is.

THE COMMISSIONER: Plus tax?

5 THE WITNESS: Pardon.

THE COMMISSIONER: Well, is that \$63.00 a vial?

THE WITNESS: Yes, it is.

THE COMMISSIONER: I see.

10

MS. CHOWN:

Q. And tablets were \$18.30 a bottle?

A. Yes.

15 THE COMMISSIONER: Each vial has 30 milligrams, is that what that means?

THE WITNESS: Thirty millilitres.

THE COMMISSIONER: Millilitres, I am sorry?

THE WITNESS: And each millilitre has 50 milligrams of Stanozolol in them.

20 THE COMMISSIONER: Each millilitre has 50 --

THE WITNESS: Milligrams of Stanozolol.

MS. CHOWN:

25 Q. Mr. Keifer, turning to the next invoice

which is the last invoice for 1985, it is dated December 31, 1985, and is a similar order to the prior one, that is five 30 millilitre vials of the Winstrol-V injectable?

A. Yes, and --

5 Q. Once again --

A. -- one no charge.

Q. -- a no-charge vial was provided to Dr.

Astaphan?

A. Yes.

10 Q. Does that constitute his orders then for 1985?

A. Yes, it does.

15 THE COMMISSIONER: Would this be a salesman sort of dropping in, because this is like a promotion, I notice?

THE WITNESS: No, this kind of a promotion would have been made available to all accounts that were buying Winstrol-V.

20 THE COMMISSIONER: I see. But you weren't puzzled by a medical practitioner buying only veterinary products so far?

THE WITNESS: Not so far.

THE COMMISSIONER: I mean you weren't puzzled by that?

25 THE WITNESS: No.

MS. CHOWN:

Q. Mr. Keifer, then turning to 1986, the next invoice we have is for February the 6, 1986, and what has Dr. Astaphan ordered there?

5 A. February the 6th, he has ordered 6 Winstrol-V injectable vial, 30 millilitre size, and received also one vial as a no charge item.

THE COMMISSIONER: You have done the arithmetic; how many milligrams would that purchase
10 represent?

THE WITNESS: How many milligrams?

THE COMMISSIONER: If there is 30 millilitres, how many --

15 MS. CHOWN:

Q. There is 50 milligrams of Stanazolol per millilitre?

A. Yes. That's --

Q. Is that right, 1,500 milligrams of
20 Stanazolol per 30 meters --

A. Yes.

Q. -- millilitres?

A. That's correct.

THE COMMISSIONER: So that there is seven
25 times that here?

THE WITNESS: That's right.

MS. CHOWN:

5 Q. Would the no-charge vial simply be included with the shipment?

A. It would all be part of the same shipment, yes.

10 Q. Then going over to the next invoice, which is dated March 24, 1986, there is an increase in the number of vials ordered by Dr. Astaphan to 10?

A. Ten, that's correct.

Q. Again it's of the Winstrol-V injectable 30 millilitre?

15 A. That's correct. And with that there were two vials at no charge on the basis of one free with five.

Q. One free vial for every five ordered?

A. Yes.

20 Q. Turning to the next sheet, we have the invoice date is August 26, 1986, and the order is for five of the Winstrol-V injectable vials?

A. That is correct.

25 Q. The next invoice we have, Mr. Keifer, is dated November 28, 1986, and I note at the top that although the name Dr. George Astaphan remains the same,

both the address given for the purchaser and the shipping address are now different?

A. That's correct.

Q. On the earlier invoices it was the
5 Keele Street address?

A. Yes.

Q. And here the address is 70 Dunfield
Avenue?

A. Yes.

10 Q. How would an address change like that
be notified to the company?

A. We would have received notification
from the doctor, from the account, and then a change of
address form would have been put through in his account
15 file.

Q. Now that particular order made on
November 28, 1986, is for six of the Winstrol-V injectable
vials of 30 millilitres?

A. Yes.

20 Q. And it included as well the one vial at
no charge?

A. Yes.

THE COMMISSIONER: What date is this now?

MS. CHOWN: November, 28, 1986.

25 THE COMMISSIONER: I notice there is a note

here "needs Friday at the latest, rush" is that --

MS. CHOWN:

5 Q. Would that be at the request of the
customer that that note was put in?

A. Oh, yes, the customer would request
that.

10 Q. In fact it says "courier rush". That
would be a request to you to send this product by courier
as fast as possible?

A. That's correct.

15 Q. Now, in fact, Mr. Keifer if we turn
over to the next page, and I apologize Mr. Commissioner,
it is a little bit difficult to read because it's been
taken off of a microfiche here.

THE COMMISSIONER: So, we are now at
November 1986, are we?

MS. CHOWN: That was November 28th, 1986.

20 THE COMMISSIONER: At Dunfield Street,
Apartment 1012, I guess that was, 70 Dunfield Street.

MS. CHOWN: Yes, Suite 1012.

THE COMMISSIONER: Pardon? Suite,
Dunfield?

MS. CHOWN: I think it is Dunfield Avenue.

25 THE COMMISSIONER: Suite 1012.

MS. CHOWN: That's right.

MS. CHOWN:

Q. The next document we have, Mr. Keifer,
5 is in fact a credit slip. And it is dated December 8,
1986. And it indicates, as I understand, that six
Winstrol-V injectable and an additional further one vial
of injectable were not accepted by the customer? Or
were not received?

10 A. I don't know whether they were not
accepted, but they were not received by the customer.
They were not delivered. So, this is a credit to offset
the charge that is shown --

THE COMMISSIONER: Well, it looks like the
15 last order didn't get there.

MS. CHOWN:

Q. That's right.

A. That's correct.

20 Q. And that was --

A. I don't know really the reason why.

THE COMMISSIONER: It might have been late.

MS. CHOWN:

25 Q. Not fast enough. And that was the

first order that had gone to the Dunfield address?

A. Yes, it was.

Q. Then, Mr. Keifer, if we turn to the next sales invoice that, in fact, is an order from 1987?

5 A. That's correct.

Q. And it is an order for 24 of the 30-millilitre injectable Winstrol-V?

A. That's correct.

10 Q. Was that the largest single order that your company had received from Dr. Astaphan to date?

A. Yes, it was.

THE COMMISSIONER: What date is that list now?

15 MS. CHOWN: Mr. Commissioner, that follows that credit slip.

THE COMMISSIONER: No, I understand that but 10/20, what, 21st of October?

MS. CHOWN: 21st of October, 1987.

20 THE COMMISSIONER: That's right. That was the day I thought I wanted to hear.

MS. CHOWN:

Q. That also has a notation on it, Mr. Keifer, that that order was to be shipped by courier?

25 A. Yes.

Q. Would that indicate faster shipping than was usually carried out?

A. Yes.

5 Q. Following that, we come then to the last order that you have in your company records. The date on that sales invoice is December 9, 1987?

A. Yes.

Q. And I note that on that the address is the Dunfield Avenue address?

10 A. Yes, it is.

Q. And that is for six of the 30-millilitre Winstrol injectable?

A. That's correct.

15 THE COMMISSIONER: So, on October 21st, we have an order, was it 24?

MS. CHOWN: It's --

THE COMMISSIONER: Twenty-four. I am going back to the other invoice.

20 MS. CHOWN: Yes, in October 1987, the number is 24.

THE COMMISSIONER: Of Winstrol-V injectable vial. And then is it the next month or two months -- two months not quite.

25 MS. CHOWN: Not quite two months, December 9th, 1987, a further six of the vials.

THE COMMISSIONER: Six.

MS. CHOWN:

Q. Now, Mr. Keifer, I have asked you to do
5 the mathematics to add up the total numbers of bottles of
tablets and vials of injectables that were ordered by Dr.
Astaphan from your company between June of 1985 and
December of 1987. And you have indicated to me during
that time period he bought 65 bottles of the 2 milligram
10 tablets?

A. That's correct.

Q. As we know, they have 100 tablets in
each bottle?

A. Correct.

Q. And as well, during that time period he
15 ordered 68 vials of the 30-millilitre Winstrol-V
injectable?

A. That's correct.

THE COMMISSIONER: How many, 68?

MS. CHOWN: Sixty-eight.
20

MS. CHOWN:

Q. And in the overall purchasing records
of various companies, would these totals over that time
25 period be considered to be a small or a large order?

A. No, these would be considered to be small. This is not an indication of large quantities.

THE COMMISSIONER: Small for whom? Did you have much call for Winstrol for human -- for human sales?

THE WITNESS: Yes.

THE COMMISSIONER: Pardon?

THE WITNESS: Yes, we do.

THE COMMISSIONER: Over what period of time?

THE WITNESS: Sorry, I don't understand.

THE COMMISSIONER: I mean is there much demand for Winstrol, never mind Winstrol-V at the moment?

THE WITNESS: It's not a major product with us, no.

THE COMMISSIONER: All right.

MS. CHOWN:

Q. Mr. Keifer, is it --

THE COMMISSIONER: There was no purchase here of Winstrol, I notice.

THE WITNESS: No, none at all.

MS. CHOWN: I am sorry, Mr. Commissioner, I didn't hear your last comment.

THE COMMISSIONER: There is no purchase of

Winstrol. I distinguished between Winstrol and Winstrol-V.

MS. CHOWN: I see, of the Winstrol tablets.

5 MS. CHOWN:

Q. You indicated earlier that it was relatively unusual for your company to make sales to individual physicians?

A. That's correct.

10 Q. And would it also be unusual for an individual family physician or human physician as opposed to a vet to order a veterinary product?

A. Yes, it would.

15 Q. To be fair to you, you have said several times there is nothing that prohibits you --

A. No.

Q. -- from selling a veterinary product, but it would not be a common type of order?

A. No, it is not a common practice.

20 MS. CHOWN: All right. May I have your indulgence, Mr. Commissioner.

MS. CHOWN:

25 Q. And finally, Mr. Keifer, as far -- when you indicated that the amount of veterinary product that

Dr. Astaphan bought from your company was relatively small, in fairness you are comparing that order, or the amount of his order to orders that you would receive let us say from individual veterinarians, or, on the other
5 hand, from veterinarian wholesale buying groups?

A. Oh, yes, yes, that -- it's all relevant, but that is correct, it would be small compared to what we would sell to a veterinary buying group, which is, as I indicated earlier, handle about 85 percent of the
10 Winstrol business.

MS. CHOWN: And, Mr. Commissioner, one matter. Mr. Keifer's counsel has provided me with some information that the injectable product that we have heard is available currently in Switzerland and West Germany,
15 was introduced in -- for European approval in 1965 in Denmark and Sweden, and had been approved earlier in West Germany in 1961.

THE COMMISSIONER: Thank you.

MS. CHOWN: I might just add that.
20 Those are the questions I have for Mr. Keifer.

THE COMMISSIONER: Thank you. Any questions?

MS. CHOWN: I don't know if Mr. Kirby has
25 any questions.

MR. KIRBY: No questions.

THE COMMISSIONER: No questions. Mr.
Porter.

5 --- EXAMINATION BY MR. PORTER:

Q. Mr. Keifer, my only questions deal with
the literature that you said would be sent out to the
doctors. I think you answered the Commissioner and said
there was not detailed literature in the package itself?

10 A. That's correct.

THE COMMISSIONER: Of Winstrol.

MR. PORTER:

Q. Of Winstrol?

15 A. Of Winstrol.

Q. Would there be literature sent out to
the doctors concerning the injectable Winstrol-V?

A. No.

Q. None whatsoever?

20 A. No --

THE COMMISSIONER: It's in the package?

THE WITNESS: There is an insert in the
package.

25 THE COMMISSIONER: It's in the package, Mr.
Porter.

THE WITNESS: In the Winstrol-V product.

THE COMMISSIONER: Here you are.

MR. PORTER:

5 Q. So, what the Commissioner has given me,
is this enclosed in some of the boxes or packages that Dr.
Astaphan would have received?

10

15

20

25

A. Yes. That deals with, as you can
see ---

Q. This is Winstrol V brand of stanozolol?

A. Yes. And it's for -- and all that
5 information relates to small animals such as dogs and cats
and horses.

Q. So, that's part of what Exhibit 1 --
Kirby?

THE COMMISSIONER: 151.

10 MR. PORTER: 151. I don't want you to lose
it.

THE COMMISSIONER: No, I won't lose it. If
I do, I blame you.

MR. PORTER: Make sure you don't.

15 THE COMMISSIONER: It's your fault if I did.

MR. PORTER: Yes. Certainly am much
obliged, my lord.

THE COMMISSIONER: And I want everybody to
notice that I'm putting it back right where it I got it
20 from.

MR. PORTER:

Q. Now, when you said that one of the
products would have been used for human use and you gave
25 two or three examples?

A. Yes.

Q. Of the medical use which would have indicated an appropriate clinical use of that drug?

A. That's correct.

5 Q. And what were those examples again? Do you remember?

A. Well, it would have been hereditary angioedema was one condition.

10 Q. That was with respect to the young child who might have the swelling of the throat?

A. That's correct. Certain forms of osteoporosis.

Q. Which means what?

15 A. It's a degeneration of the bone tissue surrounding it. It generally happens in older people.

Q. That's ---

THE COMMISSIONER: That's where the person begins to -- the head begins to get lower, is that the condition? The back -- is it the spinal problem?

20 THE WITNESS: It can be.

MR. PORTER:

Q. But that's generally in relation to more elderly people?

25 A. Yes.

Q. Not looking around the room. You wouldn't put anybody particularly in that category?

A. No one here that I can see.

Q. Would you? No. It's very tactful.

5 And the third use?

A. It's used in aplastic anemia which is a blood disorder. It's, I understand, quite a serious blood disorder.

10 Q. That's a really serious, rampant blood disorder?

A. I don't know about rampant. I'm not medically qualified to get much further into this than I have already.

15 Q. For those clinical ailments, that it's appropriate, is there literature sent out modifying that?

A. Yes, there is literature available to the medical practitioners on that -- quite detailed product monograph information.

20 Q. And how does that go to medical practitioners?

A. It's usually available on request or when a sales representative is in his office, he would make it available. But, we would send it to any physician that wanted it.

25 Q. So, from the records, can you tell

whether Dr. Astaphan would have received that?

THE COMMISSIONER: He never ordered any Winstrol.

5 MR. PORTER:

Q. I take it that the nub of your evidence is that all the material ordered by Dr. Astaphan was for animal use?

10 A. All the material indicates we sold him the veterinary product. I can't speculate on what the use would be.

15 Q. Yes, for veterinary product. So the only -- from those records, the only flyer or medical indication that he would have received explaining the use of the tablet was what Mr. Justice Dubin showed me as part of Exhibit 151?

A. That's correct.

Q. But there is ---

20 THE COMMISSIONER: There are inserts, also I think, for the tablets, aren't there? The Winstrol V tablet?

THE WITNESS: No, that's here.

THE COMMISSIONER: Is there an insert there?

THE WITNESS: Yes, same thing, sir.

25 THE COMMISSIONER: Pardon?

THE WITNESS: Yes, there is.

THE COMMISSIONER: Yes, there is an insert there.

THE WITNESS: Yes.

5 THE COMMISSIONER: There is an insert, Mr. Porter. The company is the Winstrol V tablets.

THE WITNESS: I have it here and there's the insert.

10 MR. PORTER:

Q. Well, that's the same ---

A. The same insert.

Q. The same....

A. Insert you just had.

15 THE COMMISSIONER: Except that bottle only says cats and dogs where this says cats, dogs and horses. The insert may be the same but the labelling is different.

THE WITNESS: That's correct.

MR. PORTER: Those are my questions.

20 THE COMMISSIONER: Thank you. Any other questions?

MS. CHOWN: Mr. Commissioner, I know that I neglected to ask that the bundle of invoices be marked as an exhibit and just in case other counsel wish to refer to
25 it....

THE COMMISSIONER: Well, 153, we've already marked it. Any other questions of Mr. Kiefer? No, all right. Thank you very much, Mr. Kiefer. Is this witness coming back? I have several other questions about ---

5 MR. SOOKRAM: I thought we could have the break now from what you indicated. If you don't want it, I can go right ahead.

THE COMMISSIONER: We'll take a very short break.

10

---Resumed

THE COMMISSIONER: Mr. Sookram?

EXAMINED BY MR. SOOKRAM:

15 Q. Mr. Kiefer, sir, from the list in front of you, the order list, am I right in saying that the first order was placed in June '85 for Winstrol?

A. That's what our records indicate.

Q. The final order was in December '87?

20 A. That's correct.

Q. Over a period of two and a half years, Dr. Astaphan ordered 65 bottles of two milligram tablets?

A. That's correct.

Q. And 68 vials of injectable Winstrol?

25 A. The 30 millilitre size.

Q. 30 millilitre size. And is it fair to say that it wasn't an overly large amount ordered by a doctor?

5 THE COMMISSIONER: Well, he didn't say that. He said that in relation to purchasing for veterinarian purposes, it was not large. He didn't say it wasn't large for a doctor, I don't think. You might ask him.

THE WITNESS: That's correct.

10 MR. SOOKRAM:

Q. Is it fair to say that this amount was not overly large for a doctor?

A. No, that's not correct. We -- it's not overly large for a veterinarian to order.

15 Q. Right. You told us that there was no difference in chemical composition of Winstrol and Winstrol V, is that correct?

A. The two milligram tablet, that's correct.

20 Q. Right. So there was no reason why, if this particular doctor chose, he could not have ordered either one or the other, one -- either for animal consumption or for human consumption?

25 THE COMMISSIONER: In the tablet form you're speaking of?

MR. SOOKRAM:

Q. In the tablet form?

A. In the tablet form, a doctor could order either one of them.

5 THE COMMISSIONER: Is one cheaper than the other?

THE WITNESS: By \$.80 for 100 tablets. It's \$.80 differential.

10 THE COMMISSIONER: You're a talking about the tablets?

MR. SOOKRAM:

Q. Notwithstanding the fact that the chemical composition was exactly the same?

15 A. It is exactly the same.

Q. Now, sir, you told us about an insert for the bottles for Winstrol V?

A. That's correct.

20 Q. Would that insert have the chemical composition of the tablets?

A. Yes.

Q. And would an insert ---

THE COMMISSIONER: I'm sorry, Winstrol V is -- you're talking Winstrol V tablets?

25 MR. SOOKRAM: Yes.

THE COMMISSIONER: I see.

MR. SOOKRAM:

5 Q. Do you know, sir, whether or not the
insert for Winstrol itself, not for Winstrol V, would have
the chemical composition written on it?

A. I don't know that.

Q. You don't know that?

A. No.

10 Q. You haven't looked at it?

A. We do not have an insert for Winstrol,
two milligrams.

Q. Where would someone have to go to find
out what is the chemical composition of Winstrol?

15 A. He could get the information from us,
of course, with the product monograph information. That's
not at all unusual for physicians to request that because
it has very much more detailed information in it than a
package insert would have.

20 There is a certain amount of information in
the compendium of pharmaceuticals and specialties book, as
well.

Q. So, there was no reason at all why,
apart from price, that Dr. Astaphan should have ordered
25 Winstrol or Winstrol V since he's getting the same

product?

THE COMMISSIONER: Are you speaking of the tablet form only, at the moment?

5 MR. SOOKRAM:

Q. Yes?

A. There would be no difference between the products that would be delivered under either name, Winstrol or Winstrol V.

10 Q. No difference except the price?

A. That's correct.

Q. Sir, am I right in recording here that you told the Commissioner that other doctors from time-to-time had bought Winstrol from you?

15 A. Winstrol or Winstrol ---

Q. Winstrol V from your firm?

A. Yes.

Q. Doctors in Toronto?

20 A. I can't recall their location. I know one was outside of Toronto.

MS. CHOWN: Mr. Commissioner?

MR. SOOKRAM: I'm not asking for names, Mr. Commissioner.

25 THE COMMISSIONER: I think it should be clarified, Ms. Chown, I know.

MS. CHOWN: Yes, I apologize for
interrupting. I think it's appropriate to indicate to
you, sir, that we have asked Mr. Kiefer to come here today
on behalf of Sterling Drug Limited to talk about Dr.
5 Astaphan's purchases.

However, as part of our work with the
Commission we are conducting an ongoing investigation into
the sources of anabolic steroids and their distribution
and as part of that, we expect that we will have to recall
10 Mr. Kiefer for information about other purchasers, in the
future.

THE COMMISSIONER: Well, that's ---

MR. SOOKRAM: I had no way of knowing that,
sir. I was just wondering why it was only Dr. Astaphan.

15 THE COMMISSIONER: That should have been
clarified at the outset because, as you know, we're making
a very intense study as to the source of anabolic steroids
beyond Dr. Astaphan.

MR. SOOKRAM: I know. I'm not privy to a
20 lot of the information.

THE COMMISSIONER: But, we're waiting to the
appropriate time to do that.

MR. SOOKRAM: I'll stop that line.

25

MR. SOOKRAM:

Q. You told us, sir, that you can sell and you do sell veterinary products to non-veterinary doctors?

A. We have but we don't any longer.

5 Q. You don't any longer. And apart from the price differential, did it concern you very much that doctors who have human patients might be buying veterinary stuff?

A. It's not inappropriate for a physician
10 to buy a veterinary product from us. As I indicated earlier ---

Q. It's cheaper?

A. No, I indicated earlier that a medical practitioner has every right to purchase any drug from us.

15 THE COMMISSIONER: I think you said you don't do it anymore.

THE WITNESS: No.

THE COMMISSIONER: When did you stop the practice?

20 THE WITNESS: I think it was in the past year.

THE COMMISSIONER: Why?

THE WITNESS: There were only a very few that we were doing this with and it really wasn't the
25 major source of potential business for us. In the

veterinary area, that really wasn't where we would normally look for business improvement and....

THE COMMISSIONER: You weren't trying to expand that part of your sales.

5 THE WITNESS: There was no opportunity really to expand that area in our judgment and it was better to concentrate our efforts obviously on the veterinarians.

10 THE COMMISSIONER: Thank you. Go ahead Mr. Sookram?

MR. SOOKRAM:

15 Q. Sir, can you help us at all as regards the measure of quality control that is exercised in the manufacture of the Winstrol for the animals as -- as different from the Winstrol from the -- meant for human consumption?

A. You're talking about the two milligram tablet?

20 Q. Yes?

A. The quality control would be identical.

Q. Identical. Purity would be identical?

A. It's exactly the same product.

25 Q. Now, as regards the injectable Winstrol, is the chemical composition different from the

Winstrol taken orally?

A. The concentration is different.

Q. Yes?

A. They both contain stanozolol.

5 Q. Yes?

A. The stanozolol is identical. The concentration is different in the injectable than it is in the tablet form.

Q. Can you help us a little bit more, sir?

10 THE COMMISSIONER: Well, I notice that the tablet is only two milligram of tablet?

THE WITNESS: That's correct, each tablet, and the injectable is 50 milligrams for each one millilitre that is in that vial.

15 THE COMMISSIONER: So, an injection of one millilitre of the Winstrol V would contain 50 milligrams of stanozolol?

THE WITNESS: If you gave a one millilitre injection, that's correct.

20 THE COMMISSIONER: And if you gave a 10th of a millilitre, it would be five?

THE WITNESS: Well, I think I'm getting out of my area of expertise here to get into what kind of dosages are administered by either the veterinarians or
25 medical practitioners.

MR. SOOKRAM:

Q. You've anticipated my next question,
sir. There is no way in which you can say how much of the
injectable Winstrol was given by any doctor at any
5 particular time?

A. Oh, no. I would have no way of knowing
that.

THE COMMISSIONER: But it's a more
concentrated ---

10 THE WITNESS: It's a more concentrated form
of stanozolol. But, again there you have to look at how
much of a dose is then provided.

THE COMMISSIONER: I understand.

15 THE WITNESS: And that is really up to the
practitioners.

THE COMMISSIONER: I see here for horses, 5
milligrams weekly up to four weeks is what's on the
bottle.

THE WITNESS: Mm-hmm.

20 THE COMMISSIONER: Thank you. Go ahead, Mr.
Sookram?

MR. SOOKRAM:

25 Q. Would it be fair to say, sir, that had
Dr. Astaphan approached you for Winstrol rather than

Winstrol V tablets, you would have had no compunction in supplying him?

A. Absolutely none.

MR. SOOKRAM: Thank you very much.

5 THE COMMISSIONER: Thank you.

MR. SOOKRAM: No further questions.

THE COMMISSIONER: Any other questions? Any other questions? What about the price for Winstrol V as compared to Winstrol tablets or Winstrol V -- Winstrol V
10 tablets, the injectable?

THE WITNESS: The bottle of Winstrol V?

THE COMMISSIONER: One bottle of Winstrol?

THE WITNESS: Would be \$63, in that area, and a bottle of tablets would be in the area of \$25.

15 THE COMMISSIONER: I thought \$18 a bottle for Winstrol, Winstrol V?

THE WITNESS: I'm talking about the current prices.

20 THE COMMISSIONER: I'm going back here, though.

THE WITNESS: Okay.

THE COMMISSIONER: \$18.50, I think.

THE WITNESS: \$18.30.

THE COMMISSIONER: \$18.30.

25 THE WITNESS: Yes, and it's ---

THE COMMISSIONER: One tablet, \$18.30 for
200 milligrams, right?

THE WITNESS: Yes.

THE COMMISSIONER: So you get ---

5 THE WITNESS: That's for 100 tablets.

THE COMMISSIONER: For 200 milligrams, \$18?

THE WITNESS: Yes.

THE COMMISSIONER: And for \$63 was the vial?

THE WITNESS: That's correct.

10 THE COMMISSIONER: And you get -- you told
me this, how many milligrams do we get in a bottle?

THE WITNESS: You get 30 millilitres, each
one of which has 50 milligrams in it.

THE COMMISSIONER: You get 1500 milligrams?

15 THE WITNESS: Uh-huh.

THE COMMISSIONER: Right? For \$63?

THE WITNESS: Uh-huh.

THE COMMISSIONER: So, it's a lot cheaper.
You get 1500 milligrams for \$63; I get 200 milligrams for
20 \$18. Is there something wrong with the figures here?

THE WITNESS: I don't know whether it's
appropriate to compare these two products on the price
alone because of the different routes of administration
and ---

25 THE COMMISSIONER: I understand.

THE WITNESS: And the doseages that would be required for the indicated uses.

THE COMMISSIONER: A more concentrated dose may lead to a less use at a time.

5 THE WITNESS: I really couldn't comment.

THE COMMISSIONER: All right. Thank you.
Mr. Kiefer will be called back, will he, Ms. Chown?

MS. CHOWN: Yes, he will, Mr. Commissioner.

10 THE COMMISSIONER: Thank you very much for coming this morning, Mr. Kiefer.

MS. CHOWN: Mr. Commissioner, we do have one other witness from Sterling Drug.

THE COMMISSIONER: All right.

MS. CHOWN: And that is Mr. Don Sauder.

15 THE COMMISSIONER: I didn't get the name? I was talking to Mr. Porter, sorry?

MS. CHOWN: Mr. Don Sauder.

THE COMMISSIONER: Thank you. Would you spell that? I'm not hearing you.

20 MS. CHOWN: S-A-U-D-E-R.

THE COMMISSIONER: Thank you. Morning.

DON SAUDER: Sworn

EXAMINED BY MS. CHOWN:

25 Q. Mr. Sauder, I understand that you are

the national sales manager for Sterling Drugs Limited?

A. For Winthrop Animal Health Division.

Q. That is one of the two divisions that Mr. Kiefer referred to, the other being Winthrop Pharma?

5 A. That's correct.

Q. So, the division that you are in charge of, as national sales manager, is the division that deals with veterinary products?

A. That's correct.

10 Q. How long have you held your position as sales manager of that division?

A. Three years.

Q. Can you briefly describe for me what your duties are as sales manager?

15 A. I'm involved in the recruitment, sales training, coaching and ongoing evaluation of the sales force.

Q. Please tell us how the sales force for the veterinarian products is organized in Ontario?

20 A. In Ontario, we have three representatives each responsible for a specific geographic region.

Q. And what are the particular salesmen's responsibilities for his or her region?

25 A. They're responsible for planning,

organizing and calling upon the various veterinarians and veterinary purchasing groups in their area.

MS. CHOWN: Mr. Registrar, I wonder if Exhibit 153 might be put before this witness.

5 THE COMMISSIONER: All right, thank you.
153 is --

MS. CHOWN: Actually, I have an extra copy, if the Commissioner ---

THE COMMISSIONER: All right, thank you.
10 Do you have one yourself now?

MS. CHOWN: Yes, I do.

MS. CHOWN:

Q. Mr. Sauder, just looking at Exhibit
15 153, I understand that the sales area for a particular customer can be identified on the invoice?

A. That's correct.

Q. And in the particular case of Dr.
Astaphan, on the first page of Exhibit 153, at the top
20 left-hand side, just to the left of the word Aurora, there is a box that says "Rep" and underneath "75"?

A. That's correct.

Q. What does that 75 stand for?

A. That identifies the specific territory
25 number or the sales representative.

Q. And we've heard through Mr. Kiefer that the address at which Dr. Astaphan requested product to be shipped to him changed and, indeed, from the Keele Street to Dunfield Avenue and if we turn to one of the last
5 invoices in Exhibit 153, I note that that representative number is now changed to 71?

A. That's correct.

Q. Would that indicate that a different salesperson would have been involved with each of the
10 areas?

A. Yes, that's right.

Q. Now, in 1987, who was the salesman that was responsible for the area in which Dr. Astaphan was?

A. That would be Alan Bowden.

15 THE COMMISSIONER: That's '87 now?

MS. CHOWN:

Q. '87, yes. Is that person still a salesman employed by Sterling Drug?

20 A. No, he's not.

THE COMMISSIONER: Is that the Dunfield address you're doing now?

MS. CHOWN: Yes.

THE COMMISSIONER: That's number 71, is it?

25 MS. CHOWN: That's right.

MS. CHOWN.

Q. And in March 1987, Mr. Sauder, did you have occasion to have any discussions with Mr. Bowden about his sales performance?

5 A. Yes, I did.

Q. What were the purposes of that discussion?

10 A. To review his performance and identify areas that needed to be strengthened or improved and looked at specific accounts which were performing below previous years.

Q. And is this something that --- an exercise that you would have carried out with all the salesmen in your particular division from time-to-time?

15 A. From time-to-time it's normal to review progress of all accounts with the representatives.

Q. And in that discussion in March of 1987, did Dr. Astaphan's name come up?

20 A. I believe not in discussion, but I believe his was one of the names listed on a report from Alan of the accounts he was going to follow up on.

Q. And why would there be a followup with respect to Dr. Astaphan?

25 A. I believe at that point in time, his purchases of Winstrol V injectable were lower than the

previous year's performance and I'd ask him, in his case as well as other accounts, to contact them and find out the reasons why and then to formulate a plan as to who he was going to be calling upon in his routine promotions.

5 Q. So, just so that I have that clear, would you along with Mr. Bowden have reviewed each of his accounts from 1986 and into 1987?

 A. Yes. It was written by Alan and be shown to me at that time.

10 Q. So, he actually would have reviewed his own accounts?

 A. Right.

 Q. And, as a result of that among other names which we won't get into, was Dr. Astaphan's name one of the particular accounts in which there had been a drop in the amount of veterinary product bought from 1986 to 15 1987?

 A. Yes, that's correct.

 Q. And he was therefore mentioned as a particular prospect that Mr. Bowden might go out and see 20 if more product could be sold to him?

 A. That's correct.

 Q. Now, again, and just so we're clear on this, since your division, the division you're responsible 25 for, is the veterinary product, was it only veterinary

products that you were interested in seeing if an increase in sales to Dr. Astaphan could be made?

A. That's correct.

5 Q. And as a result of this review of Mr. Bowden's accounts, what did you ask him to do, particularly with respect to Dr. Astaphan?

A. I'd ask him to contact him, to make a call on him and find out what opportunities there may be for the use of Winstrol V, find out why the purchases were
10 down.

Q. And did you yourself at that time have any information as to whether Dr. Astaphan was a veterinary or a human doctor?

A. No, at that point I was of the
15 assumption he was a veterinarian.

Q. And to your knowledge, did Mr. Bowden follow your direction and contact his customers including Dr. Astaphan?

A. Yes, he did.

20 Q. And as a result of that contact, did he prepare a report?

A. Yes, he did.

Q. I believe you have in front of you a copy of Mr. Bowden's report and if I might pass up a copy
25 for.....

THE COMMISSIONER: Thank you.

MS. CHOWN: For the Commissioner. And have this report which is entitled weekly summary report and it's difficult to see in the photocopy, Mr. Commissioner, but it is dated August of 1987, marked as the next exhibit?

THE REGISTRAR: 154.

---EXHIBIT NO. 154: Weekly Summary Report

MS. CHOWN:

Q. Mr. Sauder, is this weekly report, the weekly report that Mr. Bowden provided to you?

A. Yes, it is.

Q. Mr. Commissioner, I should just note in its original form on both page 1 and 2, this document contains references to other customers of Mr. Bowden and the company and we've simply deleted those references.

THE COMMISSIONER: What was the date of this, Ms. Chown?

MS. CHOWN: In the top right-hand corner.

THE COMMISSIONER: Saturday, August the 18.

MS. CHOWN: 8th, I think.

THE COMMISSIONER: August the 18th, '87?

MS. CHOWN: I believe it's August 8, 1987.

MS. CHOWN:

Q. So, the only thing that remains on this two page document is the portion pertaining to Dr. Astaphan.

5 Now, before we get to that, just to identify what we have, in the top right-hand corner is Mr. Bowden's name?

A. Yes.

10 Q. And he's the representative for this area. Underneath that, the date of the week ending being Saturday, August 8, 1987. And there is details of how many calls he made?

A. Right.

15 Q. May I ask you to turn to page 2 of that report and would you just read out for us what that says?

A. "Dr. Astaphan is a human doctor who purchased 'Strol' for his brother-in-law last year. Questionable. I have pursued no further here."

20 Q. Did you have occasion to discuss with Mr. Bowden his comments as written here concerning Dr. Astaphan?

A. I believe so. When I saw this report, it does -- I do have a vague recollection. Typically, Alan would have phoned me the week -- during the week
25 prior to the report and discussed any developments during

that particular week.

Q. What did you understand him to mean when he used the word Strol? "Is a human doctor who purchased Strol." S-T-R-O-L?

5 A. That is a short form that Alan commonly used for Winstrol, Winstrol V.

Q. And would you understand it to refer to the Winstrol V product?

A. Yes.

10 Q. And this, as you've read out, indicates that Dr. Astaphan is a human doctor and that, I take it, is in contradistinction as to being a vet?

A. Yes, correct.

15 Q. And there is a reference there to -- in Mr. Bowden's note to this being questionable. "I have pursued no further here." Did you discuss with Mr. Bowden what he meant there?

20 A. I didn't specifically discuss this. It, as I recall, it would have been a few seconds on the telephone. The way I interpreted that is the context of all of our discussions had been relative to opportunities to promote the product to veterinarians who could prescribe Winstrol V injectable for horses and I took it as saying there was no further potential in this case.

25 Alan had ---

Q. And that was because Dr. Astaphan was a human doctor?

A. Correct.

Q. I'm sorry, I cut you off there.

5 A. Right. I do vaguely recall in the conversation he did make mention of the fact that it was purchased for a brother-in-law who had horses, so I was of the impression he purchased the product for a specific group of horses but wouldn't be an active veterinary practitioner who would have potential for prescribing the product for other clientele.

10

Q. Now, there is no reference in this note here to horses. So the only reference here is that Dr. Astaphan purchased the Winstrol for his brother-in-law last year. So, do you recall in the conversation that you had with Mr. Bowden that that was when the topic of horses came up?

15

A. Yes, I do have a recollection of Alan mentioning that it was for horses.

20 Q. And did you understand the horses to be horses of Dr. Astaphan's or the brother-in-law?

A. I understood that it was his brother-in-law's horses.

25 Q. And did you pursue that any further with Mr. Bowden or obtain any other information from him

on that point?

A. No, we didn't. At that point we would have identified that he wasn't a veterinarian and not conducted any promotional activities.

5 Q. Do you have any information from Mr. Bowden whether this contact that he made with Dr. Astaphan was made in person or over the telephone?

A. No, I couldn't tell that.

10 Q. As a result of the notation made by Mr. Bowden, was it then agreed that Dr. Astaphan would not be actively pursued by your company to see if further veterinary product could be sold to him?

A. That's correct.

15 MS. CHOWN: Mr. Commissioner, those are the questions that I have for this witness.

THE COMMISSIONER: I notice the next month he made a purchase. You know that, do you?

THE WITNESS: Yes.

20 THE COMMISSIONER: The next month he bought six bottles, I think. This date is August?

MS. CHOWN: August of 1987.

THE COMMISSIONER: The last purchase was, I think, was in December '87. All right, thank you. Any questions. Any questions, Mr. Sookram?

25 MR. SOOKRAM: No questions whatsoever.

THE COMMISSIONER: All right, thank you.

Any other questions. Ms. Chown?

MS. CHOWN: Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you very much, Mr.

5 Sauder. Thank you.

MS. CHOWN: We do have available, a
representative from E.L. Stickley Drug Company. We can
start now?

10 THE COMMISSIONER: Would you like to adjourn
now until 2:15 then? We'll hear that witness then. All
right, 2:15 then.

15 ---Whereupon the proceedings were adjourned to resume at
2:15 p.m.

20

25

---Proceedings resumed.

MS. CHOWN: Mr. Commissioner, our first
witness this afternoon is Rose Drake, who is here for the
5 E. L. Stickley & Co. Ltd.

ROSE DRAKE; Sworn.

EXAMINATION BY MS. CHOWN:

10 Q. Mrs. Drake, I understand that you are
the Secretary of E. L. Stickley & Co. Ltd.?

A. Correct.

Q. You have held that position for 25
years?

15 A. Correct.

Q. And as part of your duties as secretary
of this company, I understand that you do a variety of
things, but you are familiar with the sales records of
Stickley?

20 A. Right.

Q. And before we move to those sales
records, I would like to just briefly touch on the
organization of E. L. Stickley & Co. Ltd. I understand
that this Canadian company was incorporateed in 1952?

25 A. Right.

Q. And where is its head office at the present time?

A. Brantford.

Q. And the company was started by Mr. E. L. Stickley?

A. Correct.

Q. And in 1987, it was sold to Germiphene Company Limited?

A. Germiphene Corporation.

Q. All right. And the original business of the E. L. Stickley & Co. Ltd. was to sell medical and veterinary pharmaceuticals?

A. Correct.

Q. And there was a particular specialty of this company and that is hormones and germicides?

A. Correct.

THE COMMISSIONER: What was the latter one, please?

MS. CHOWN: Germicides.

Q. And as part of the hormones, I understand that that category covers anabolic steroids?

A. Correct.

Q. And does the E. L. Stickley company sell testosterone?

A. Yes, we do.

Q. Is that a steroid?

A. Yes.

5 Q. All right. And I understand that you have several different formulas of testosterone that are sold by your company?

A. That's right.

Q. And basically there are three kinds, the first one is an aqueous testosterone?

10 A. Correct.

Q. And does that simply mean that it's a water-based testosterone?

A. That's right.

15 Q. And what is the brand name that you use for the aqueous testosterone?

A. Malogen.

Q. Malogen aqueous?

A. Correct.

20 Q. And, Mrs. Drake, we have entered as an exhibit in these proceedings as Exhibit 124 a product entitled Malogen Aqueous 100, and the label indicates that it's manufactured by the E. L. Stickley & Co. Ltd. Can I just ask you to look at that exhibit and in particular what's inside the box. Is that a product of your company?

25 A. That's right.

Q. And alongside the vial in the box there is a package insert?

A. That's correct.

5 Q. And is that directed towards those who prescribe this product to their patients?

A. That's right, the dosage, the indications.

10 Q. Is the aqueous testosterone that you have before you, is that for human use or veterinary use?

A. Human.

Q. Does the E. L. Stickley company in fact sell products that are specially designated as veterinary products?

A. No, they are all labeled for human use.

15 Q. So dealing then with this aqueous testosterone, what is the legitimate clinical usage for testosterone?

A. Well, it would be a hormone deficiency.

20 Q. To treat a hormone deficiency in a male?

A. Yes.

Q. Now is it possible for this product to be used with animals?

A. It is, yes.

25 Q. All right, and do you occasionally sell

it to veterinarians?

A. Yes, we do.

Q. But it is the same product that we have before us as Exhibit 124?

5 A. Yes, and they are all labeled for human use.

Q. Now apart from the aqueous testosterone, I understand that you have other formulas of testosterone or other forms of testosterone that your
10 company sells?

A. Yes.

Q. And one of those is a proprionate testosterone?

A. Malogen in oil.

15 Q. When you say in oil, that's an oil-based testosterone?

A. That's an oil-based.

Q. And you also have another product that's called Malogex?

20 A. Correct.

Q. And what is that?

A. That's a long-acting hormone.

THE COMMISSIONER: I can't quite hear you.

25 THE WITNESS: It's a long-acting testosterone.

THE COMMISSIONER: Thank you.

MS. CHOWN:

5 Q. So there is the three forms of
testosterone; one aqueous, two oil-based?

A. Correct.

Q. And all those forms are injectable
forms?

A. That's right.

10 Q. Where does your company obtain the
testosterone injectable for those three products?

A. In the United States.

Q. And I understand that you have a lab in
Phoenix, Arizona that you purchase the product from?

15 A. We purchase it from a firm in Glendale,
Arizona.

Q. When you receive the testosterone in
Canada, what form is it in?

20 A. Completely packaged with the insert,
labeled and ready for sale or use.

Q. So it comes to you in the same form
that Exhibit 124 is in today?

A. Correct.

25 Q. Now we have heard from a representative
of Sterling Drug Company that drug companies are entitled

to sell their product to hospitals, pharmacies, drug trading companies or drug wholesalers and licensed practitioners and those rules obviously affect your company as well?

5 A. They do.

Q. And is it common for your company to sell directly to individual physicians?

A. Yes.

Q. That's not unusual for you?

10 A. No.

Q. But I take it you also sell to pharmacies and hospitals and drug wholesalers?

A. We do.

15 Q. And what checks does your company make to ensure that a physician is a licensed practitioner if that physician approaches your company to buy a product?

A. Well, we subscribe to the Canadian Medical Directory which comes out yearly and lists all the practicing physicians and from there we determine it.

20 Q. And, Mrs. Drake, you might speak a little bit more directly into the microphone. You can pull it towards you, if that would be of assistance. Now at our request, you have searched your records and you're here today solely to provide us with information about Dr.
25 Astaphan and his purchases from your company?

A. Yes.

Q. Mr. Commissioner, I might add at this time, as I did with Sterling Drug, that as part of our continuing investigation as to the source of anabolic
5 steroids, we will be asking Mrs. Drake to come back at a later date to deal with other physicians.

THE COMMISSIONER: I understand.

MS. CHOWN:

10 Q. In your case, Mrs. Drake, you have indicated that your company keeps its records for about seven years?

A. That's correct.

15 Q. And you do have a personal recollection of some dealings with Dr. Astaphan prior to that, that is around 1980?

A. Yes.

Q. When Dr. Astaphan was located in Warkworth?

20 A. That's correct.

Q. But apart from recalling that he was a customer at that time, I understand you don't have any particular memory as to what he was buying from you then?

A. No, not in the eighties.

25 Q. But you have searched the records that

are still in your possession at this time and have brought with you a group of records relating to his purchases from 1984 onwards?

A. I did.

5 Q. I have put before you, Mrs. Drake, a copy of those invoices.

THE COMMISSIONER: What exhibit number, Mr. Registrar?

THE REGISTRAR: Exhibit 155.

10

---EXHIBIT NO. 155: Group of records of purchases made by Dr. Astaphan from 1984 onwards from the E.L. Stickley & Co. Ltd.

15

MS. CHOWN:

Q. Mrs. Drake, I would like to review these invoices with you, but just to identify them, they relate to the period from January 17th, 1984, up to and including October 1987.

20

A. All right.

Q. And as we will see when we go through them in detail, these purchase orders or sales invoices reflect purchases by Dr. Astaphan of other products, not just steroids?

25

A. Right.

Q. And in fact the only steroid that Dr. Astaphan purchased from your company was testosterone?

A. That's right.

Q. Just looking then, if you will, follow
5 along with me, Mrs. Drake, at the first order, there is an indication at the top lefthand side that the product has been sold to Dr. Astaphan. At that time he had an address of 901 Lawrence Avenue West in Toronto and the product was to be shipped to that address?

10 A. Correct.

Q. Immediately under that to the left, the order date is January 17th, 1984, and there is an indication that the order was a phone order?

A. Correct.

15 Q. And is it your information that Dr. Astaphan himself would have contacted the company to place that order?

A. Either himself or his nurse, but his office.

20 Q. His office as opposed to a salesman?

A. No, it was a direct phone call from his office.

Q. And the product ordered on that date is something called Plexalin injection, and I understand that
25 that is a vitamin?

A. Right.

Q. Go over to the second sheet. That date indicates -- it's a little bit hard to read. I believe it's July 6th, 1984.

5 A. I think so.

Q. Three products are ordered. Plexalin, which we've just seen on the first order which is a vitamin, and Malogen Aqueous 100 milligrams. That I understand is what is before you as Exhibit 124?

10 A. That's correct.

Q. Aqueous testosterone. And six vials of aqueous testosterone were ordered from you on that occasion at a unit price of \$9.95 each?

A. That's correct.

15 Q. The third item on that list is something called Chorionic Gonadotropin. Can you tell us what that is used for?

A. Well, we heard that the doctors were using it for obesity and the treatment of obesity, but I
20 can't substantiate that. There are inserts in the vials for whatever the doctor determines it should be used for.

Q. Just so we are clear on that, I understand that the product insert on Chorionic Gonadotropin indicates that it is not of assistance with
25 any weight loss program?

A. That's correct.

Q. And in fact, its clinical usage is for the treatment of undescended testicles and infertility problems in women?

5 A. Right.

Q. And on that occasion, Dr. Astaphan ordered four vials of the Chorionic Gonadotropin?

A. Right.

10 Q. Going over then to the third invoice, the date on that is October 16th, 1984, and six products are ordered on that occasion. We see the third product down is, once again, the aqueous testosterone?

A. Correct.

Q. And three vials of that were ordered?

15 A. Right.

Q. And am I correct in understanding that the other products that are listed there--well, perhaps the easiest way is to go down them. The first product is Femogex long acting. That, I understand, is a female
20 hormone?

A. That is a female hormone.

Q. The Chorionic Gonadotropin we have heard about. The Malogen aqueous is the testosterone. The Plexalin injection is the vitamin?

25 A. Correct.

Q. Iro B Plex injection. What is that, please?

A. That's an iron and vitamins combination.

5 Q. In an injectable form?

A. In an injectable form.

Q. And finally Duogex long-acting injection. That's a hormone used in the treatment of menopausal women?

10 A. That's correct.

Q. Go over to the next invoice. We are now into 1985. The first order, -- one thing I wanted to mention, apart from that, the very first order of January '84 which went to Lawrence Avenue, the order after that started to go to the Keele Street address for Dr. Astaphan?

15

A. Right.

Q. So the balance of 1984 and going into 1984, the orders were shipped to Suite 204, 2874 Keele Street, Downsview, Ontario?

20

A. That's right.

Q. Then looking at the order in February of '85, we note that that's a phone order, and the first item listed is six vials of the aqueous testosterone?

25 A. Correct.

Q. There is also ordered the Plexalin, the Iro B Plex, the B Plex plus C and the Chorionic Gonadotropin?

A. Correct.

5 Q. The only product there that we haven't seen in prior orders is B Plex plus C. What is that, please?

A. It's a vitamin B complex with vitamin C included.

10 Q. An injectable?

A. An injectable.

Q. Thank you. Can you go to the next invoice which is in 1985. I'm having trouble reading that date. It looks like it's March of 1985 and there is a
15 continuing order for the aqueous testosterone of five vials?

A. Yes.

Q. All right, and the other products we have referred to earlier, but they are not the
20 testosterone?

A. No.

Q. The next invoice sheet relates to July 3rd, 1985, and it represents an increase in the order of aqueous testosterone to ten vials?

25 A. Correct.

Q. As well an order for Plexalin, Iro B Plex and Chorionic Gonadotropin. Go over then to the next sheet, Mrs. Drake. that reflects Dr. Astaphan's order of August 8th, 1984.

5 A. '85?

Q. I'm sorry, 1985, and there are six vials of the aqueous testosterone?

A. That's correct.

Q. And as well--

10 THE COMMISSIONER: Is that the same quantity as the exhibit? That's that small bottle?

THE WITNESS: This is this here.

THE COMMISSIONER: That's 10--

THE WITNESS: 10 ml vial.

15 THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. And as well, an order of the Plexalin which is the vitamin?

20 A. That's correct.

Q. The next invoice sheet is August 21st, 1985, and it simply indicates that there is a back ordered item of six vials of the aqueous testosterone, and would that relate to the order sheet before which indicated
25 August 8th, 1985?

A. We probably ordered a dozen and we only had six in stock so this was a balance of the six.

Q. So on August 8th, you sent six and on August 21st, a further six of the same product?

5 A. That's right.

Q. All right. The next invoice is from October 25th, 1985. It reflects an order of 12 vials of the Malogen aqueous which is the aqueous testosterone?

A. Correct.

10 Q. As well as the Plexalin, the vitamin?

A. Right.

Q. And the Iro B Plex which is the iron and vitamin injection?

A. Right.

15 Q. And finally in 1985, an order of December 31st, 1985, indicating three vials of aqueous testosterone?

A. Correct.

20 Q. Together with the Iro B Plex, which is the iron and the Plexalin or vitamin injection?

A. Correct.

25 Q. Going then into 1986, the first order in 1986, and I'm afraid the date isn't entirely clear on my copy, is for Plexalin, 12 vials, and that's the vitamin?

A. That's correct.

Q. The second order in 1986 was placed April 2nd, 1986, and it's for six vials of the testosterone?

5 A. That's correct.

Q. The following order is June 12th, 1986, and it represents an order for 12 vials of the aqueous testosterone, 12 vials of Chorionic Gonadotropin and six vials of B compound and B12?

10 A. Correct.

Q. And what is the B compound and B12?

A. That's another vitamin B complex with vitamin B12 added, but it's an injectable.

Q. It is an injectable?

15 A. Yes.

Q. And then the next sheet, again the date is very hard to read, but also in 1986 is for 50 vials of Chorionic Gonadotropin?

A. Correct.

20 Q. Following that in July of 1986, there is an order for 50 vials of the aqueous testosterone?

A. Correct.

Q. And did that represent the single largest order that you had received from Dr. Astaphan for the testosterone to date?

25

A. That's correct.

Q. And that sheet represents the end of the orders that were placed with your company in 1986?

A. That's right.

5 Q. We do, however, have one sheet referring to an order made by Dr. Astaphan in 1987, and the date on that is October 19th, 1987?

A. Correct.

10 Q. And that order is for six vials of the aqueous testosterone?

A. Right.

Q. And 24 vials of the something called Crystalline (Vit. B-12) 1000 mcgm?

A. That's right, that's an injectable.

15 Q. And did you receive any orders from Dr. Astaphan following October of 1987?

A. No, that was the last one.

20 Q. Now, Mrs. Drake, we have totaled up the number of vials of testosterone that Dr. Astaphan bought from your company from 1984 up to 1987, and it appears to be 125 vials over the three-year period. Was that considered -- what size of order was that considered as compared to other individual physicians who were ordering from you?

25 A. I don't think it's overly excessive,

not in three years.

Q. Mr. Commissioner, those are the questions I have for this witness.

THE COMMISSIONER: Thank you. Any
5 questions of this witness, Mr. Porter?

EXAMINATION BY MR. PORTER:

Q. Mrs. Drake, my name is Julian Porter.
I'm with the College of Physicians and Surgeons of
10 Ontario. I missed part of what you said at the beginning,
but did you make reference to obesity and Dr. Astaphan?

A. Well, we had heard from a few doctors
that they were buying the HCG as an obesity control, but--

Q. When you say HCG, you mean the Malogen
15 aqueous?

A. No, the human Chorionic Gonadotropin.

Q. And how did you know that? Where did
you hear that?

A. From some of the doctors.

Q. And did you or your associates have any
20 association with Dr. Astaphan concerning this? Did you
talk to them?

A. No.

THE COMMISSIONER: That's not a steroid, is
25 it? That's not a steroid? Is that a steroid?

THE WITNESS: It has the three hormones in
it.

THE COMMISSIONER: That's the Chorionic?

THE WITNESS: Yes.

5 THE COMMISSIONER: Thank you.

MR. PORTER:

Q. So you didn't have any personal
dealings with Dr. Astaphan at all?

10 A. No.

Q. And did any of your sales people have
any personal dealings with him?

A. No, Dr. Astaphan always phoned in his
orders from the office. There were no physical contacts
15 from our sales rep to his office. Every invoice indicates
they were all phone orders.

Q. All right, but you didn't have any
occasion to talk with Dr. Astaphan at all?

A. No.

20 Q. So your reference to the growth hormone
is to what on those sheets? Can you tell me what? When
the Commissioner asked you -- you are referring to a
growth hormone; is that correct?

A. Malogen.

25 Q. Malogen.

MS. CHOWN: In fairness to the witness, I don't think it was a growth hormone. The Malogen is a testosterone.

5 THE COMMISSIONER: There is no sale of growth hormones here, Mr. Porter.

MR. PORTER: No, I was confused with her answer.

10 Q. And that material that the Commissioner has is what goes with the material that's sent to the doctor in this instance in his hand? Will you look at what he has?

THE COMMISSIONER: That's the--

15 THE WITNESS: The inserts are always in each vial.

THE COMMISSIONER: It indicates the indicated usage.

THE WITNESS: That's correct.

20 MR. PORTER:

Q. So this would have gone out with every bottle?

A. Every one.

25 Q. And are those the only instructions that Stickley sends out concerning that product?

A. Exactly.

Q. And so there it sets out the indications and the usage and the contraindications and the warnings; is that correct?

5 A. And the dosage.

Q. And the dosage. Well, I'll do a speed read of this and I'll let someone else ask the questions.

THE COMMISSIONER: All right.

10 THE COMMISSIONER: You're going to speed read it yourself?

MR. PORTER: Yes, just give me a second.

THE COMMISSIONER: Well how speedy are you?

MR. PORTER: I'm quite speedy. Those are my questions. I've sped read it.

15 THE COMMISSIONER: Thank you. Thank you very much. Any other questions? Mr. Sookram, do you have any questions?

MR. SOOKRAM: Yes, sir. Just a few.

20 THE COMMISSIONER: May I have it back, please, Mr. Porter.

MR. PORTER: Yes, sir.

EXAMINATION BY MR. SOOKRAM:

25 Q. Madam, you told us that over the past

three years, Dr. Astaphan had bought 125 vials, according to this calculation, of testosterone. It is more three and a half years, isn't it? It doesn't make all that difference. It starts in January and finishes in July.

5 About three and a half years. Was he a big buyer?

A. Well, these are all the invoices.

Q. Yes.

A. That's all he has ever purchased from us.

10 Q. As compared to other doctors who ordered this stuff, would you say that this was buying on a large scale?

A. No.

15 Q. And as far as you know, madam, I know you're not a lawyer, but seeing that your firm is distributing these things, was it against the law for a doctor to telephone his order and get supplies?

A. No.

20 Q. Was the drug itself illegal, as far as you knew?

A. No, not illegal.

THE COMMISSIONER: What was the question?

25 MR. SOOKRAM: Was the drug itself illegal as far as this witness knows.

Q. Did other doctors telephone their order in from time to time?

A. If not by the doctors, by the nurses or their office.

5 Q. So it wasn't uncommon to get telephone requests?

A. Oh, absolutely not.

Q. Madam, do you yourself know why the doctor's address changed from 901 Lawrence Avenue West to
10 Keele Street?

A. No.

Q. You don't know. Thank you very much.
I don't think there is any further questions.

THE COMMISSIONER: Thank you. Any other
15 questions? Reading the information that Mr. Porter has, there is really quite a limited use for aqueous testosterone? It really deals particularly with male deficiencies for testosterone? It's a very limited use?

THE WITNESS: I'm really not qualified.

20 THE COMMISSIONER: There are some side effects here too?

THE WITNESS: Oh, yes, there is side effects.

THE COMMISSIONER: When you say that it's
25 sort of a normal purchase, I'm rather puzzled by that.

How do you know whether it's normal unless you know what the doctors were practicing as?

THE WITNESS: Well, we have doctors that will buy, maybe, a dozen vials a month from us.

5 THE COMMISSIONER: And do you know what their specialty is?

THE WITNESS: They are general practitioners.

10 THE COMMISSIONER: All right, and so your office is in Toronto. Do you have sales forces across the country too?

THE WITNESS: Yes, we do. Our office is in Brantford.

THE COMMISSIONER: In Brantford?

15 THE WITNESS: Yes.

THE COMMISSIONER: All right. Thank you very much for your help.

20 MS. CHOWN: Mr. Commissioner, I wonder since there was some reference made to the human Chorionic Gonadotropin, whether it would be of assistance to enter this as an exhibit. I might just ask Mrs. Drake some questions.

25 ---EXHIBIT NO. 156: Vial of human Chorionic Gonadotropin and insert.

EXAMINATION BY MS. CHOWN:

Q. Mrs. Drake, I've just pulled out the package insert from the human Chorionic Gonadotropin.

THE COMMISSIONER: What are the ingredients of that?

MS. CHOWN: Perhaps I could ask the witness to read the description here.

A. "Human Chorionic Gonadotropin, a polypeptide hormone produced by the human placenta, is composed of an alpha and beta sub-unit. The alpha sub-unit is essentially identical to the alpha sub-units of the human pituitary gonadotropins, luteinizing hormone and follicle-stimulating hormone as well as the alpha sub-unit of human thyroid stimulating hormone."

THE COMMISSIONER: What does it say on the pamphlet as to the indications? Does it say what it's for?

THE WITNESS: It says that it's not to be--it's not effective adjunctive therapy in the treatment of obesity. There is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction.

THE COMMISSIONER: It's not good for obesity. What's it good for, does it say?

MS. CHOWN: I think it does.

THE WITNESS: Descending testes.

THE COMMISSIONER: What's the normal use of
it?

5 MS. CHOWN: With respect to cases of
undescended testacles and I believe as well to treat
fertility problems in women?

THE WITNESS: In women pregnancy, yes.

MS. CHOWN:

10 Q. And that, you'll note, Mrs. Drake, if
you could just hold up the vial, it comes in a very
distinctive vial made in two parts with a rubber stopper
between, and what is the purpose of that separation?

15 A. Well, this vial will, like, stand up to
maybe a year, but as soon as you mix the vial, as soon as
the upper chamber mixes with the lower chamber, then it
must be re Fridgerated and it is good for up to 30 days,
then it expires.

20

25

MS. CHOWN: Thank you. Mr. Commissioner, I wonder if we might enter that package of Gonadotropin as the next exhibit.

THE COMMISSIONER: Thank you.

5 THE REGISTRAR: 156, Commissioner.

--- EXHIBIT NO. 156: Package of Gonadotropin.

10 THE COMMISSIONER: Here, you are, you can have your exhibits back. That's 156. All right.

Any other questions arising out of the last? Ms. Chown.

MS. CHOWN: No other questions, thank you, Mr. Commissioner.

15 THE COMMISSIONER: All right. Once again thank you.

THE WITNESS: Thank you.

20 MS. CHOWN: Mr. Commissioner, our next witness is present in the courtroom, Ms. Southgate, who is here for Taro Pharmaceutical Incorporated.

THE COMMISSIONER: All right. Thank you. What's the name of company, please?

MS. CHOWN: Taro Pharmaceutical Limited? Incorporated.

25 THE COMMISSIONER: Thank you.

MARY SOUTHGATE: Sworn

--- EXAMINATION BY MS. CHOWN:

Q. Ms. Southgate, you are here today as a representative of Taro Pharmaceutical Incorporated?

5 A. That's right.

Q. You have to speak right into the microphone?

A. That's right.

10 Q. You hold the position with that company of sales administrator?

A. Yes, I do.

Q. You have held that position since 1984?

A. Yes, I have.

15 Q. And before we move to the particular products your company is involved in the sale and distribution of, can we briefly review the history of Taro. I understand that the company started in Canada in 1971 under the name K Line?

A. K Line Pharmaceuticals Limited.

20 Q. At that point in 1971 it was a distributor of pharmaceuticals?

A. That's right.

Q. And in 1974 it began to undertake some manufacturing itself?

25 A. That's right.

Q. And in 1984 it was bought out by Taro
Pharmaceutical Incorporated?

A. That's correct.

Q. That's the name you are operating under
5 today?

A. That's right.

Q. Does Taro sell any veterinary products,
Ms. Southgate?

A. No, we don't.

10 Q. Am I correct in understanding that the
current product line of your company can broadly be
divided into two groups; first of all, corticosteroid
creams and ointments?

A. That's correct.

15 Q. And the second, steroids?

A. Very small injectable line.

THE COMMISSIONER: I am sorry, I can't hear
you.

THE WITNESS: A very small injectable line.

20 THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. Of the very small injectable line, I
understand that you do sell testosterone?

25 A. Yes, we do.

Q. That's an injectable?

A. Yes, it is.

Q. And you have two forms of testosterone that are sold by your company. You have kindly provided me with samples of them. The first product is called testosterone proprionate. And that I understand to be an oil-based testosterone injectable?

A. That's correct.

Q. What size vial does it come in?

A. It comes in 10 ml vial.

Q. Ten ml?

A. That's right.

Q. Is that a multi-use vial?

A. Possibly. I am sorry, I am not qualified to answer that.

Q. In any event, that's one form of testosterone you sell. The other is something called testosterone enanthate?

A. Correct.

Q. That's E-N-A-N-T-H-A-T-E?

A. That's right.

Q. It is also an oil-based testosterone, but what is the difference between it and the proprionate?

A. The testosterone enanthate is long acting.

Q. Long acting?

A. It's long acting.

Q. All right.

THE COMMISSIONER: The oil base is? That's
5 the oil based?

THE WITNESS: They are both oil based.

MS. CHOWN:

Q. They are both oil based --

10 A. The proprionate and the enanthate.

Q. All right. And just looking at the
vials I have put in front of you, can you tell me the
percentage of testosterone in each, I believe that's
indicated on the label. Taking the proprionate, what
15 concentration of testosterone is that in that injectable?

A. It's 100 milligram.

Q. Hundred milligrams of testosterone?

A. Per ml.

Q. Per one ml. And with the
20 testosterone enanthate, what's the concentration?

A. It's 200 milligram per ml.

Q. That's the more long-acting drug?

A. That's correct.

Q. The one with the higher concentration?

25 A. That's correct.

Q. Do you sell any form of aqueous or water-based testosterone?

A. No, we do not.

Q. So, this represents your total testosterone line?

A. That's it.

Q. Have there been changes in the labelling of the testosterone since -- to make the packaging different than we see it today?

A. Yes, there has been.

Q. When did those changes in labelling take place?

A. At the beginning of this year, 1989.

Q. So, the two vials that you have shown us represent the labelling that you used for both of your testosterone products up until the end of 1988?

A. Prior to our name change.

MS. CHOWN: Mr. Commissioner, if we might mark the testosterone proprionate as the next exhibit, and the testosterone enanthate as the exhibit following that.

THE REGISTRAR: 157 and 158.

--- EXHIBIT NO. 157: Vial of Testosterone Proprionate and wrapper.

--- EXHIBIT NO. 158: Vial of Testosterone Enanthate
and wrapper

MS. CHOWN:

5 Q. And Ms. Southgate, does your company
manufacture those two testosterone injectables.

A. No, we do not.

Q. Where do you obtain them from?

A. We obtain them from Glendale, Arizona.

10 Q. From Arizona. And when you receive
them in Ontario, what form are they in?

A. They come unlabelled in the 10 ml vial.
We do the labelling on the premises, or at least we used
to.

15 Q. So, they come unlabelled. Do you put
the label on and do you then box the product?

A. The product as you see it was not boxed
at that particular time. An insert was provided with
the vial, but it did not come in an individual box.

20 Q. I understand your packaging has changed
since then and you do now box the testosterone?

A. Yes, we do.

25 Q. How would the package insert be
provided with the bottle? Was it attached to it in any
way?

A. Yes, it was.

Q. How was that?

A. It was attached around -- there was --
it was attached with an elastic.

5 Q. All right.

THE COMMISSIONER: Do you have a copy of
what was attached in those days?

THE WITNESS: It would be the same insert
that is in with the product now.

10 THE COMMISSIONER: Do we have that?

MS. CHOWN: We do, I don't have it now,
but I have it and can provide it shortly.

THE COMMISSIONER: Thank you.

15 MS. CHOWN: Actually, if I might have your
indulgence.

MS. CHOWN:

20 Q. Ms. Southgate, we have heard from the
other drug company representatives that have given
testimony today about their sales being to individual,
licenced practitioners, to pharmacies, to hospitals, and
to drug wholesaling groups. Does your company sell to all
those classes?

A. Yes, we do.

25 Q. And do sales to individual doctors form

a large part of your business?

A. No, not a large part.

Q. But you do sell your product from time to time directly to individual practitioners?

5 A. Yes, we do.

Q. And at our request, have you reviewed your records with respect to Dr. Astaphan and the purchases that he made from you?

A. Yes, we have.

10 MS. CHOWN: And Mr. Commissioner, I will repeat again that we will have to ask Ms. Southgate to return with respect to other purchasers at a later date.

THE COMMISSIONER: All right.

15 MS. CHOWN:

Q. And you have provided us with a copy of invoices representing Dr. Astaphan's purchases?

A. That's correct.

20 MS. CHOWN: I believe you have a copy before you. Mr. Commissioner, if I might hand up a copy for you.

THE COMMISSIONER: Thank you.

THE REGISTRAR: That's 159, Mr. Commissioner.

25 THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 159: Photocopies of invoices representing
Dr. Astaphan's purchases

MS. CHOWN:

5 Q. Ms. Southgate, just looking at Exhibit
159 --

THE COMMISSIONER: Before we do that, I
think Mr. Nunn now has the --

MS. CHOWN: Thank you.

10 THE COMMISSIONER: You might --

MS. CHOWN:

15 Q. Let me just show those. Ms. Southgate,
we have taken these out of the new packages, but first of
all I am showing you a package insert for the testosterone
enanthate. Can you just look at that and indicate whether
that is the insert that would have gone with the earlier
drug?

A. Yes, it is.

20 THE COMMISSIONER: It was just wrapped
around the bottle in those days?

THE WITNESS: That's right.

MS. CHOWN: Might we have that as the next
Exhibit, Mr. Commissioner.

25 THE REGISTRAR: 160.

THE COMMISSIONER: That's to be wrapped
around which exhibit then?

MS. CHOWN: That is around the enanthate.

THE COMMISSIONER: Which is what number?

5 THE REGISTRAR: 158.

THE COMMISSIONER: Well, wrap it around.

MS. CHOWN: So, we will just simply attach
it to the --

THE REGISTRAR: So, that will be 158.

10 THE COMMISSIONER: Right.

MS. CHOWN:

Q. Secondly, Ms. Southgate, I am showing
you an insert entitled testosterone propionate injection.
15 Have a look at that and tell me if that is your insert for
that product.

A. Okay. Without actually reading through
it, I am assuming that they are identical because this is
what we would put in with it. I am don't believe they
20 have changed it at all.

Q. You are not aware of any changes?

A. No, I am not.

MS. CHOWN: I would ask then, Mr.
Commissioner, that that might be attached to the bottle --

25 THE COMMISSIONER: Well, the product hasn't

changed, it just comes up in a different wrapper now,
right?

THE WITNESS: That's right.

THE REGISTRAR: 157.

5 THE COMMISSIONER: May I see that, Mr.
Registrar.

THE REGISTRAR: 157, Mr. Commissioner.

THE COMMISSIONER: Thank you. All right,
Ms. Chown.

10

MS. CHOWN:

Q. Ms. Southgate, the group of invoices
that you have been provided to us have been marked as
Exhibit 159 go from the period June 30th, 1986, up to and
15 including December 10th, 1987?

A. That's correct.

Q. It's quite a short period. I take you
through the first order, in the top right-hand corner is
the invoice date which as I indicated was June 30, 1986?

20

A. Yes.

Q. And this indicates that this product is
being sold to Dr. George M. Astaphan, and the address
given is 2874 Keele Street, Suite 204, in Downsview?

A. Correct.

25

Q. And the product is to be shipped to

that same address?

A. That's right.

Q. Now, going down to the product ordered
by Dr. Astaphan in June of 1986, the first item we have is
5 a B-12. And I take it that's an injectable?

A. Yes, it is.

Q. And there were 60 vials of that
ordered?

A. That's right.

10 Q. Following that, there is Chorionic
Gonadotropin?

A. Uh-huh.

Q. Fifty vials of that ordered?

A. But back ordered.

15 Q. All right. And that we have heard
about from Mrs. Drake the human -- this is human Chorionic
Gonadotropin?

A. That's correct.

Q. Then following that there are two
20 references to testosterone. The first simply indicates
testosterone injectable 200 milligram. And that would be
then the testosterone enanthate?

A. That's correct.

Q. Twelve vials of that were ordered and
25 you have said that those are 10 millilitre vials?

A. That's right.

Q. Following that there is an order for 12 vials of the testosterone proprionate?

A. That's correct.

5 Q. All right. And again that's in the same size vial, 10 ml?

A. Yes, it is.

Q. And the last item is listed as Triam. injectable. I understand that is a corticosteroid?

10 A. That's correct.

Q. All right. Going over to the next order that we have an invoice for, Ms. Southgate, the date on that is August 20, 1986?

A. Correct.

15 Q. For one product only, and that is the B-12 injectable?

A. Correct.

Q. Twelve vials were ordered. What size do those vials come?

20 A. We have the 10 ml and also the 30 ml.

Q. Can you tell from this order form what size he was getting?

A. It looks like 30 ml.

25 Q. Thirty ml. We then go over to the next order. The date on that is August 21st, 1986. So, it

appears to be the next day following the last order sheet. And there is a note here both at the top of the order sheet and underneath the actual orders that this order is to be picked up?

5 A. That's correct.

Q. In fact, the description in detail says order to be picked up tomorrow after 9 a.m.?

A. Right.

10 Q. And was it your understanding that the order was to be picked up by Dr. Astaphan or by someone else in his office?

A. That would be correct.

Q. Not by a salesman?

A. No, not by the salesman.

15 Q. On that occasion, August 21, 1986, the order was for 50 vials of the injectable testosterone. We can tell because it's referred to as the 200 milligram, that that is the testosterone enanthate.

A. That's correct.

20 Q. There is also an order for 50 vials of the other testosterone, the proprionate?

A. That's correct.

25 Q. And finally, there is a handwritten addition to this order form for B-12 in the 30 millilitre size, 4 vials?

A. Correct.

Q. And it's a little bit hard to read, Ms. Southgate, but there is some handwriting across the bottom of that order and it appears to say "canceled"?

5

A. That's correct. The order was never picked up.

Q. The order was never picked up. So, it remained in your possession?

A. That's true.

10

Q. Was it subsequently shipped?

A. No, it was never shipped. It was returned to our stock.

15

Q. All right. And going over to the next sheet, the date on that invoice is November 30, 1986. And there are three products there. None of these products is a testosterone?

A. That's correct.

20

Q. Am I correct that what we are looking at are two different forms of a corticosteroid, 6 units each?

A. Correct.

Q. And Gravol?

A. Correct.

25

Q. Three units. Going then to the last order that you have from Dr. Astaphan, the date on that is

December 10, 1987. And I note at the top that there has been an address change, and the address for Dr. Astaphan is now listed as 70 Dunfield Avenue, Apartment 1012?

A. Correct.

5 Q. All right. And would you have any information as to why the address change is made?

A. It's possible that -- no, I don't have the actual information for that.

10 Q. On that occasion in December of 1986, there were two products ordered, 20 vials of the B-12 injectable in the 30 millilitre size, and three units of Triam. Diacetate Suspension. Is that a corticosteroid?

A. Yes, it is.

15 Q. So, in total, then, Ms. Southgate, over the period of June 30, '86 up to December of '87, in fact, there were 24 vials of testosterone purchased from your company?

A. That's correct.

20 Q. The very large order of 100 additional vials, 50 of each kind was never picked up?

A. It was never picked up.

MS. CHOWN: Mr. Commissioner, those are my questions for this witness.

25 THE COMMISSIONER: Thank you. Any questions, Mr. Porter?

MR. PORTER: May I see that sheet, Mr. Commissioner.

THE COMMISSIONER: Yes. No, no, the wrap around.

5 MR. PORTER: The wrap around.

THE COMMISSIONER: There are two wrap arounds.

THE REGISTRAR: 157 and 158.

10 --- EXAMINATION BY MR. PORTER:

Q. Just so I understood, Ms. Southgate, a 100 vials were never taken?

A. That's correct.

15 Q. And that when you identified in respect to --

MS. CHOWN: Product still undamaged.

THE COMMISSIONER: Okay. Good.

MR. PORTER:

20 Q. -- 157 and 158, the accompanying literature would have gone out with each vial?

A. That's correct.

Q. And you are not an expert in these matters, I take it?

25 A. Not at all.

Q. So, then I can just take it that this accompanying information went out with each vial and it says what it says?

A. I would hope so.

5 Q. And so if Dr. Astaphan ordered it, he would have received the material with Exhibit 157 and 158 talking about the uses of the drug in question?

A. Each vial would have had an insert.

MR. PORTER: Thank you. No more questions.

10 THE COMMISSIONER: Thank you, Mr. Porter.
Mr. Sookram.

MR. SOOKRAM: No questions at all.

THE COMMISSIONER: Thank you. Any other questions of this witness. Ms. Chown anything?

15 MS. CHOWN: No re-examination. Thank you.

THE COMMISSIONER: Thank you very much for your assistance. Thank you.

THE COMMISSIONER: Mr. Registrar. Yes.

20 MS. CHOWN: Thank you, Mr. Commissioner.
Our next witness is Mr. Hyatt. If we might take a short break to bring him into the courtroom.

THE COMMISSIONER: We will take a short break now.

25 --- Short recess.

--- Upon resuming.

MS. CHOWN: Thank you, Mr. Commissioner.
Our next witness is Don Hyatt.

THE COMMISSIONER: Mr. Hyatt.

5

DON HYATT: Sworn.

--- EXAMINATION BY MS. CHOWN:

THE COMMISSIONER: Yes Ms.Chown.

10

MS. CHOWN: Thank you, Mr. Commissioner. I
wish to indicate at the outset before I ask Mr. Hyatt some
questions that we are calling Mr. Hyatt at the express
request of Dr. Astaphan through his counsel.

THE COMMISSIONER: Thank you. Mr. Levine
is here with Mr. Sookram. Thank you.

15

MS. CHOWN:

Q. Mr. Hyatt, I understand that you are a
U.S. citizen?

20

A. Yes, but you spent considerable time in
the island of St. Kitts between 1977 and 1988?

A. Correct.

Q. While you were there during those 11
years, I understand that you were managing a private
estate on the island of St. Kitts?

25

A. Correct.

Q. This estate was owned by a couple from the United States?

A. Correct.

5 Q. And was comprised of a private house with substantial grounds?

A. Correct.

Q. What, in very general terms, were your duties as manager of that estate?

A. Whatever it took to run it.

10 Q. You hired the staff?

A. Right.

Q. Ran the estate?

A. The whole ball of wax.

Q. I beg your pardon?

15 A. The whole ball of wax, everything.

Q. And I understand that one of the owners of the property died in 1983, and subsequent to that, the property was put on the market and sold in 1988. And at that point your job in St. Kitts came to an end as manager of that estate?

20

A. Correct.

Q. I am afraid you are a going to have to lean into the microphone, Mr. Hyatt, or speak up a little bit.

25 When you were first in St. Kitts, did you

have occasion to meet Dr. George Astaphan?

A. Dr. Astaphan was my doctor.

Q. Your personal physician?

A. Yes.

5 Q. All right. And did you also get to know him socially, or on a friendly basis?

A. Off and on. Yes, everybody knows everybody in St. Kitts.

Q. I am sorry?

10 A. Everybody knows everybody.

Q. It's a small place?

A. Small island.

Q. Okay. Now, apart from managing the estate, did you have other business interests that you pursued while you were living in St. Kitts between 1977 and 1988?

A. Yes, I did.

THE COMMISSIONER: Were you a full-time resident for those 12 years?

20 THE WITNESS: Yes.

THE COMMISSIONER: In St. Kitts?

THE WITNESS: Yes.

MS. CHOWN:

25 Q. What were those business interests, Mr.

Hyatt?

A. Cattle, sheep, goats, donkeys, horses.

Q. Dealing first of all with the cattle,
am I correct in understanding that you were involved
5 personally, this was not part of your estate management
job, but you were involved personally in the beef
business?

A. Yes.

Q. That was selling beef for human
10 consumption?

A. Right.

Q. Where did you sell the beef?

A. St. Kitts.

Q. And you also mentioned other animals
15 sheep, goats, et cetera. Am I correct in understanding
that you were also involved in selling animals to a
veterinary school located in St. Kitts?

A. True.

Q. The name of that school is the Ross
20 Veterinary School?

A. True.

Q. Can you tell me about that school,
please.

A. It's where they take animals and they
25 buy them and they use them for experimental.

Q. Leaving the animals aside, it is a veterinary college?

A. Yes.

Q. The students, where do the students
5 come from to attend this school?

A. All over.

Q. I am sorry?

A. All over.

Q. All over. That is they are not solely
10 natives of St. Kitts who attend there?

A. No.

Q. Some of them may --

A. U.S., Canada.

Q. -- come from Canada and the United
15 States?

A. Florida.

Q. Am I correct in understanding that
students will attend at this veterinary school if they are
unable to gain entrance to a recognized veterinary school
20 in North American?

A. Yes.

Q. And your involvement with the Ross
Veterinary School was what?

A. Selling animals.

25 THE COMMISSIONER: Did you have a farm? Is

that where you kept your cattle?

THE WITNESS: On the estate, yes.

THE COMMISSIONER: Pardon?

THE WITNESS: On the estate, up in the
5 hills.

THE COMMISSIONER: On the estate?

THE WITNESS: Yes.

THE COMMISSIONER: But this was your own
enterprise?

10 THE WITNESS: Yes.

THE COMMISSIONER: I see.

MS. CHOWN:

Q. So, the animals that you raised and you
15 kept, you kept on the grounds of the estate, some of them
went for beef consumption?

A. Yes.

Q. Some were sold to the Ross Veterinary
School?

20 A. Yes.

Q. And was that for purposes of study,
dissection, experimentation?

A. Right.

Q. What kinds of animals did you sell to
25 the school?

A. Majority of sheep and goat.

THE COMMISSIONER: How many would they buy
a year?

5 THE WITNESS: As many as you could get
them.

THE COMMISSIONER: Pardon?

THE WITNESS: As many as you could supply.

THE COMMISSIONER: I didn't hear the
answer?

10 THE WITNESS: As many as as you can
supply.

THE COMMISSIONER: Was this a big
operation?

THE WITNESS: Yes.

15 THE COMMISSIONER: Like how many in a year?

THE WITNESS: It all depends.

THE COMMISSIONER: Pardon?

THE WITNESS: It all depends.

THE COMMISSIONER: Well, that's not my --

20 THE WITNESS: What I am trying say is if
they want 12, 15 animals, I would try to supply them to
them over one-week period.

THE COMMISSIONER: This was sort of a
weekly order.

25 THE WITNESS: Yes, at first.

THE COMMISSIONER: Sheep and goats?

THE WITNESS: Sheep and goats -- sheep,
goats, dogs, and whatever you could get them.

THE COMMISSIONER: Sheep? I didn't hear, I
5 am sorry?

THE WITNESS: Sheep, goat, dogs.

THE COMMISSIONER: Dogs?

THE WITNESS: Uh-huh.

10 MS. CHOWN:

Q. Do you have any idea of the numbers of
animals that you personally would have sold to the Ross
Veterinary School over the period of time 1977 to 1988?

THE WITNESS: No, I have no idea.

15 THE COMMISSIONER: Do you have invoices or
was this --

THE WITNESS: No.

THE COMMISSIONER: No invoices.

THE WITNESS: No.

20 THE COMMISSIONER: You delivered them
yourself?

THE WITNESS: Yes.

THE COMMISSIONER: Did you get paid in
cash?

25 THE WITNESS: Uh-huh.

MS. CHOWN:

Q. Were you the only source of animals for the veterinary school?

A. No.

5 Q. So, there were other people as well?

A. Yes, quite a few.

Q. Did you sell the animals to the veterinary school throughout the whole period of 1977 to 1987?

10 A. No.

Q. What period of time are we talking about?

A. I would say '74 up to '75.

Q. After 1975, you were not selling --

15 A. No.

Q. -- animals?

A. No.

Q. The school was buying from another source?

20 A. Yes.

Q. I am sorry, Mr. Armstrong -- you only started there in 1977. So, at what time period did you stop selling animals to the veterinary school?

A. Oh, okay. It was around '85.

25 Q. 1985. Now, as you have told us you

were keeping these animals for these two purposes: The beef business and selling to the veterinary college on the estate. I understand at one point this estate had substantial acreage?

5 A. Three hundred acres.

Q. Three hundred acres. And at some point of some of the acreage was expropriated by the government in St. Kitts?

A. Yes.

10 Q. How much?

A. 275.

THE COMMISSIONER: How much? 275?

THE WITNESS: Uh-huh.

15 MS. CHOUWN:

Q. Leaving the estate then with only 25 acres of land?

A. Right.

20 Q. Was the size -- I am sorry, when did that expropriation take place?

A. I believe around '77-'78.

Q. Again, are you thinking of expropriation taking place around 1986-'87.

25 THE COMMISSIONER: He said '78, I think he said, Ms. Chown. He said '78.

MS. CHOWN:

Q. I am sorry, let me go back. Did that expropriation occur then a year after you got to St. Kitts as manager of this estate?

5

A. Yes.

Q. Did the estate ever reacquire any of the acreage that had been expropriated?

10

15

20

25

A. Yes, we have back ten more acres.

Q. The total then of 35 acres. When was that increase in acreage obtained?

A. '80----

5 THE COMMISSIONER: Pardon?

THE WITNESS: 1987.

MS. CHOWN:

Q. 1987?

10 A. Yes,

THE COMMISSIONER: So for ten years you're down to 25 acres approximately?

THE WITNESS: Mm'hmm.

15 MS. CHOWN:

Q. And was it -- were there other structures on this 25 acres or could it all be used for cattle?

A. There was other structures.

20 Q. In fact, I understand that there was an Olympic size swimming pool?

A. Yes.

Q. And a nine hole golf course?

A. Yes.

25 Q. And other outbuildings apart from the

house that was present on the premises?

A. Guest cottages.

Q. I beg your pardon?

A. Guest cottages.

5 THE COMMISSIONER: All on the 25 acres?

THE WITNESS: Yes; maid quarters.

MS. CHOWN:

10 Q. How much acreage was available to you
to keep these animals on?

A. Up in the hills, I had no limit of
acreage. I had all the acreage I wanted; government land.
You can use government land to raise cattle.

15 Q. So are you saying that you kept cattle
partially on the estate, partially on government land
outside of the estate?

A. Everybody kept cattle on the government
land.

20 Q. Now, at some point during your tenure
in St. Kitts, did you become aware that anabolic steroids
might be of some use to you in the two private business
ventures you were pursuing. That is, with respect to beef
cattle and with respect to selling animals to the
veterinary school?

25 A. That's true.

Q. Who gave you that information?

A. A friend of mine told me about it and I went to Jamie Astaphan and I asked him about it.

5 Q. Before we get to your contact with Dr. Astaphan, what was going to be the purpose of you using anabolic steroids, first of all, in the beef business?

A. Put the weight on these animals.

Q. Cause the animals to increase in size?

A. Right.

10 Q. Faster than they would with normal growth and nutrition?

A. Right.

15 Q. And what would be the use of giving anabolic steroids to animals that you intended to sell for veterinary purposes to the school?

A. More money.

Q. I'm not sure I follow that answer.

A. Well, it's very hard for them to get nice looking animals.

20 Q. You're saying the animals that were in St. Kitts, the goats, the sheep and the dog that you were selling to the school, were they rather scrawny?

A. Yes.

25 Q. And if the animal had a better appearance, did the animal command money for you?

A. Right.

Q. Now, as a result of the information that you received from a friend, did you, yourself, attempt to purchase anabolic steroids yourself to use in your two businesses?

A. Yes, I did.

Q. Were you looking for pills or injectable form?

A. Whatever I can get.

Q. Where were you attempting to buy these? That is, in St. Kitts or elsewhere?

A. I tried to buy them in the States and it was impossible. And I just gave it up. I went back to St. Kitts and I got them there.

Q. And as a result of not being able to purchase them yourself, did you have occasion to go and speak to Dr. Astaphan about this topic?

A. Yes, I did.

Q. When was that?

A. Right around '83.

Q. 19?

THE COMMISSIONER: I'm sorry, I can't hear.

THE WITNESS: '83.

THE COMMISSIONER: In '83?

MS. CHOWN:

Q. In 1983, you went to Dr. Astaphan, he had been your doctor then since 1977 when you arrived?

A. 1980.

5 Q. Since 1980. So you had known him for approximately three years at that point?

A. Mm-hmm.

Q. What did you say to him on the occasion of this discussion in 1983 about anabolic steroids?

10 A. Well, I told him what I was told and I asked him if it would help.

Q. Did you tell him specifically that you wished to use anabolic steroids on animals?

A. Yes, mm-hmm.

15 Q. And you asked him if it would help?

A. Yes.

Q. What did he say?

A. He said it would.

Q. Did you --

20 A. It would increase the weight.

Q. It would increase the weight on the animals?

A. Mm-hmm.

25 Q. Did you discuss with him particular kinds of anabolic steroids that would be appropriate for

increasing the weight on animals?

A. No.

Q. He just told you in general terms that anabolic steroids would carry out this function?

5 A. Steroids would carry it out, yes.

Q. Did you talk with him about pills versus injectable steroids?

A. I had no idea one from another.

10 Q. All right. You may have had no idea. Did you discuss that at all with Dr. Astaphan in this initial conversation?

A. Yes, mm'hmm.

Q. Did he recommend one form over the other for your purposes?

15 A. He said he would fix me up with what I needed but he never told me what kind.

Q. He would fix you up with what you needed but he was not specific on whether that would be tablets or injectables?

20 A. Yes.

THE COMMISSIONER: You might just ask the witness what was said, Ms. Chown, if he recalls.

MS. CHOWN:

25 Q. Do you recall any other part of the

discussion that you had with Dr. Astaphan in 1983?

A. No, I don't. It's been quite some time.

THE COMMISSIONER: I can't hear, sorry.

5 THE WITNESS: It's been quite some time.

MS. CHOWN:

10 Q. As a result of that discussion then, did you enter into sort of arrangement with Dr. Astaphan to obtain steroids?

A. Yes, I did.

Q. Can you describe what those arrangements were both for obtaining, delivery and payment of the steroids?

15 A. Well, when I needed them, I called Jamie. Jamie would send them down, the pills, to me, to St. Kitts with some friends and they would give me a call when they got to St. Kitts and I would go and pick them up. I would either pay them or pay Jamie.

20 Q. Do you recall when you first obtained any pills from Dr. Astaphan?

A. It was in '83.

Q. What did you obtain?

A. The Winstrol pink pill.

25 Q. Mr. Registrar, I wonder if I might have

Exhibit 128, please?

Do you recall what the actual tablets looked like, apart from being pink?

A. It's round, pink, it's got a W on it.

5 Q. What -- did the pills come to you in a bottle or in some other form?

A. 100 in a bottle.

Q. And do you recall what the label on the bottle looked like or what it said?

10 A. Winstrol, and I believe it was a dark purple.

THE COMMISSIONER: Pardon?

THE WITNESS: Purple.

THE COMMISSIONER: Purple pills?

15 THE WITNESS: No, no. The pills was pink but I believe the label was purple.

THE COMMISSIONER: All right.

MS. CHOWN:

20 Q. And was there any reference to whether these pills were veterinary pills or not?

A. They was veterinary pills.

Q. Do you recall that being said on the label?

25 A. Yes.

Q. You've said you first started to receive the pills in 1983 and they would come to you delivered by friends of Dr. Astaphan?

A. Yes, or Jamie would bring them down to me, either one.

Q. Or he would bring them directly to you?

A. Yes.

THE COMMISSIONER: From Toronto? From Toronto?

THE WITNESS: I assume, yes.

MS. CHOWN:

Q. And do you recall on -- let us take the year 1983 -- how many deliveries you would have received either from Dr. Astaphan, directly or through his friends?

A. First, I would -- it's been -- I would say first year, year and a half maybe, five, six deliveries in the first year.

Q. Five or six deliveries. And how many bottles would you receive in each delivery?

A. Five bottles.

Q. Five bottles in each delivery?

A. Yes.

Q. Somewhere between 25 and 30 bottles of the Winstrol V tablets?

THE COMMISSIONER: How many cattle did you have at that time?

THE WITNESS: At that time 30.

THE COMMISSIONER: Pardon?

5 THE WITNESS: 30.

THE COMMISSIONER: 30 cattle?

THE WITNESS: Mm-hmm.

THE COMMISSIONER: What doseages did you give them.

10 THE WITNESS: I gave them approximately -- says give them two a day. I'd give them three and four.

THE COMMISSIONER: Pardon?

THE WITNESS: I'd give them three and four a day.

15 THE COMMISSIONER: You said something about two a day, I didn't hear?

THE WITNESS: Yes. Normally, a friend told me, give them two a day. I would give them three and four a day.

20 THE COMMISSIONER: I see.

MS. CHOWN:

Q. You were giving -- we're now talking about the beef cattle?

25 A. Yes.

Q. You would give the cows three or four of the Winstrol tablets on a daily basis?

A. Yes.

Q. For over what period?

5 A. Well, until I got rid of them.

Q. And was that simply a question of when the cow got large enough, in your view, to make a sale and you would then sell it?

A. Yes.

10 Q. Who were you selling these to, these animals to in St. Kitts?

A. Locals.

Q. Locals? By that you mean individual people?

15 A. Yes.

Q. Did you ever sell to restaurants or hotels?

A. No.

20 Q. And the individuals you sold to would then butcher these cattle and eat them?

A. Mm-hmm.

Q. Now, did you also use these tablets on the sheep, goats and dogs that you were selling to the veterinary college?

25 A. Yes.

Q. Where did you get advice, if anywhere, about the dosage that would be appropriate for these animals?

A. Same; with my friend.

5 Q. And what dosage did he advise you?

A. Give them one a day.

Q. One a day for these smaller animals?

A. Mm-hmm.

Q. What dosage did you, in fact, give?

10 A. Two.

Q. And again, would you give that dosage to these various animals up until the time you felt that it was -- that they presented a good enough appearance so that you could sell them?

15 A. Yes.

Q. Now, you've told us that in 1983 you believe you received five or six shipments of the tablets of -- over the year. What were the arrangements for payment for these bottles of tablets?

20 A. Either they would tell me how much it cost when they deliver them.

Q. They, being Dr. Astaphan friends?

A. Right, right.

Q. Yes?

25 A. Or I paid Jamie.

Q. What was the cost per bottle?

A. If I recall, it was right around \$20,
\$30 a bottle.

Q. \$20 to \$30 a bottle for 100 tablets?

5 A. Right.

Q. And did you make these payments by
cheque or ---

A. Cash.

Q. Cash?

10 A. Mm-hmm.

Q. All the time?

A. Yes.

Q. Did you continue to receive deliveries
of tablets from Dr. Astaphan or from his friends following
15 1983?

A. Yes.

Q. Up to and including 1988?

A. Not tablets in '88, no.

Q. Do you recall when you stopped
20 receiving tablets?

A. Right around '86, '87.

Q. So, after 1986 or '87, you did not,
after that point up until 1988, receive shipments of
Winstrol V tablets?

25 A. No.

Q. So I take it ---

THE COMMISSIONER: I'm sorry, I didn't hear.
When was the end of the transaction? I didn't hear the
answer.

5 THE WITNESS: Oh, '86.

THE COMMISSIONER: '86?

THE WITNESS: Mm-hmm.

THE COMMISSIONER: '86, '87, I didn't hear
it, Ms. Chown.

10 MS. CHOWN: Sorry. Let me just go over
that, so we're clear.

THE COMMISSIONER: Did you?

MS. CHOWN: Am I correct in understanding

15 THE WITNESS: Off and on ---

THE COMMISSIONER: Pardon?

MS. CHOWN: After 1986 ---

20 THE COMMISSIONER: I'd just like to hear him
answer the question, again. When was the last time you
had a transaction?

THE WITNESS: In '86.

THE COMMISSIONER: In '86.

THE WITNESS: With pills.

25

MS. CHOWN:

Q. With the tablets. Did you ever receive injectable substances, injectable steroids from Dr. Astaphan?

5 A. Yes, I did.

Q. Do you recall when you first received any delivery of injectables?

A. No. I received liquid, off and on, from Jamie.

10 Q. Did that start in 1983?

A. I'd say from '84, '85, in that area.

Q. In 1984, '85 you started to receive injectables?

A. Mm-hmm.

15 Q. And had you asked Dr. Astaphan to provide you with injectables?

A. No.

THE COMMISSIONER: What was the answer? I'm sorry, you dropped your voice again.

20 THE WITNESS: No. I'm losing -- I've lost part of my voice.

THE COMMISSIONER: Okay, thank you.

MS. CHOWN:

25 Q. So, on, is it fair to say, that on one

occasion you received the injectables instead of or in addition to a shipment of tablets?

A. Yes.

Q. The injectables, were they steroids?

5 A. Yes.

Q. And did you know what the name of the drug was that you were receiving in an injectable form?

A. Yes, it was Winstrol V.

Q. Winstrol V injectable?

10 A. Yes.

Q. And over the period then, I believe you said, 1984, '85, you started to get the injectables. Did you continue to receive vials of Winstrol V injectable up to 1988 when you left St. Kitts?

15 A. Yes.

Q. At any time did you receive any other kind of injectable drug from Dr. Astaphan?

A. No.

Q. Did you ever receive testosterone?

20 A. Yes, I did. Very seldom.

Q. It was more usual for you to receive Winstrol V?

A. Yes.

25 Q. But from time-to-time you would receive vials of injectable testosterone?

A. Yes.

Q. Did do you recall on how many occasions over the period, 1984, '85, to 1988 you would have received testosterone?

5 A. No, I can't tell you.

Q. Do you have any idea of the numbers of vials in total you would have received of the Winstrol V generally?

A. No.

10 Q. Where did you -- did you also obtain syringes?

A. I got them from a friend.

Q. Not from Dr. Astaphan?

A. No.

15 Q. Once you were in receipt of these injectables, did you use those with respect to the beef cattle you were raising?

A. Yes, and the horses and donkeys.

20 Q. Staying with the beef cattle for a moment, did you receive advice from Dr. Astaphan or anyone else as to the appropriate dosage?

A. My friend.

Q. Your friend in St. Kitts advised you of the dosage?

25 A. Yes, mm'hmm.

THE COMMISSIONER: For what was this, Ms.
Chown?

MS. CHOWN: I beg your pardon?

THE COMMISSIONER: Dosage of what?

5 MS. CHOWN: Dosage of injectable, either
Winstrol V or testosterone, into beef cattle.

MS. CHOWN:

Q. What was that dosage, Mr. Hyatt?

10 A. That, I believe, was six -- my friend
fixed up a vial. I wouldn't draw all that much. I
believe it was six ---

Q. I'm sorry, I lost your answer?

15 A. I forgot what that was. He fixed up a
vial for me and I had one and just fill it and inject the
animal.

Q. My question was, do you recall the
amount that you were giving the animals?

20 A. No. I knew there was about five
injections in each bottle.

Q. Five injections in a bottle?

A. Yes. I believe it was a six vial? I
believe the vial was a six.

25 Q. You could get six injections from the
vial?

A. No, I could get five.

Q. All right. Did you also inject the animals that you were selling to the veterinary school with either Winstrol V or testosterone?

5 A. No. I was giving them tablets.

Q. Again, I'm ---

A. I was giving them tablets, pills.

Q. You only gave tablets to them. What other use, if any, did you make of the injectable steroids you were using?

10

A. Horses.

Q. Tell me about that?

A. Race horses.

Q. You're going to have to speak into the microphone?

15

A. Race horses.

Q. Did you yourself inject race horses in St. Kitts with these products?

A. No, I didn't.

Q. Did you -- what did you do with them?

20

A. A friend of mine, passing it on to him and he was injecting the horses.

Q. So I have it clear, did you -- you took the injectable steroids that you received. Did you then sell them to a friend?

25

A. Same price I got them for. It was too expensive for what I had.

5

10

15

20

25

Q. Let's just stay where we are. You paid for the steroids, and in turn, you sold them at the same price you paid for them to a friend, and you understood that your friend was injecting race horses with them?

5 A. Yes.

Q. And where was this?

A. St. Kitts.

Q. And is there a racing track and races held on a regular basis in St. Kitts?

10 A. Not on a regular basis. There is racing all over, in Nevis, other areas.

Q. Nevis being an island that's very close to St. Kitts?

A. Yes.

15 Q. And what was the purpose of injecting the race horses?

A. Speed.

Q. To make them win the race?

A. Yes.

20 Q. Is there any testing of race horses in St. Kitts?

A. Everybody's doing it.

Q. I beg your pardon?

25 A. Everybody's doing it. It's just in everyday life.

Q. You're saying everybody is injecting their horses in St. Kitts with steroids?

A. Yes.

5 Q. Was there any other use that you made of the injectable products, other than the ones we have covered?

A. No.

10 Q. Are you, Mr. Hyatt, related in any way to Dr. Astaphan? In particular, are you his brother-in-law?

A. No.

Q. Mr. Commissioner, those are all the questions I have for this witness.

15 THE COMMISSIONER: Thank you. Any questions Mr. Porter?

EXAMINATION BY MR. PORTER:

20 Q. Mr. Hyatt, just a couple of questions. I noticed an odd smile on your face. For the race horses, was this entirely cricket to feed them with stanozolol?

A. Was it what? I didn't hear.

Q. Entirely cricket to feed them with stanozolol?

A. No.

25 Q. Pardon?

A. We were out to win.

Q. And it wasn't exactly -- no matter what the rules were. That wasn't exactly straight to feed them with that?

5 A. No.

Q. And were all your goats, horses, sheep and cows and donkeys, were they all sickly?

A. Pretty much so.

10 Q. Not any one of them a little glimmer of health?

A. A little glimmer, but you would have to look at those animals down there.

Q. They were all pretty straggly?

A. Right.

15 Q. Every last breed needed a dose of the stanozolol?

A. Mine did.

Q. Pardon me?

A. Mine did.

20 Q. All of them?

A. As far as I was concerned.

Q. Not a healthy one in the bunch?

A. No.

25 Q. And so you didn't have enough courage to sell them to the hotels, huh?

A. No, they buy all the meat from Florida, Puerto Rico or St. Thomas.

Q. So just let the locals eat them?

A. Yes.

5 Q. For some reason you didn't sell them to the hotels?

A. Too tough.

Q. Oh, I see. So the stanozolol didn't soften them up?

10 A. I don't think so.

MR. SOOKRAM: Mr. Commissioner, I don't see where this line of questioning is going. It has nothing to do with the drug as regards Dr. Astaphan. This witness has testified Dr. Astaphan supplied him. I don't know
15 what is the purpose for his question. He is not denying that he was supplied.

THE COMMISSIONER: Pardon?

MR. SOOKRAM: He is not denying that he was supplied by Dr. Astaphan.

20 THE COMMISSIONER: Well, the use being made of them I guess is what Mr. Porter --

MR. SOOKRAM: Well, he has told us the use.

THE COMMISSIONER: Let me see where Mr. Porter's going.

25

MR. PORTER:

Q. Any of your animals, were they recovering from surgery or anything else?

A. No.

5 THE COMMISSIONER: Was there a veterinary--a doctor of veterinary medicine on St. Kitts?

THE WITNESS: Yes, one.

THE COMMISSIONER: Did you discuss this with him? Did he know--

10 THE WITNESS: No.

THE COMMISSIONER: Why wouldn't you do that?

THE WITNESS: I had no use for him.

15 THE COMMISSIONER: But you're supplying animals to the veterinary college.

THE WITNESS: Yes.

THE COMMISSIONER: And I gather there was a vet there?

THE WITNESS: Yes.

20 THE COMMISSIONER: And you wouldn't tell him that the animals you're supplying to him are being given this fertilized quantity of steroids?

THE WITNESS: He is supplying all the animals now to him.

25 THE COMMISSIONER: No, I'm asking about

you. You're selling your product to the veterinary school, right?

THE WITNESS: Right.

THE COMMISSIONER: There is a vet there.

5 Dr. Astaphan is not a vet. You know that?

THE WITNESS: Yes.

THE COMMISSIONER: And you wouldn't discuss how to build up your stock of cattle and your sheep and goats with a vet that you are doing business with? You
10 told me you're selling these and he was giving you cash and you would give him the animals?

THE WITNESS: Yes.

THE COMMISSIONER: You wouldn't discuss it with him?

15 THE WITNESS: I never discussed a thing with the veterinarian.

THE COMMISSIONER: I don't quite understand that. He is the vet and he is buying your products.

THE WITNESS: That's St. Kitts too.

20 THE COMMISSIONER: Pardon?

THE WITNESS: That's St. Kitts too.

THE COMMISSIONER: He's a vet in St. Kitts.

THE WITNESS: I said that's St. Kitts also. It's a totally different life down there.

25 THE COMMISSIONER: Well, was this a

legitimate veterinary school?

THE WITNESS: Yes.

THE COMMISSIONER: And he was teaching students?

5 THE WITNESS: No, he was not. He had nothing to do with the students.

THE COMMISSIONER: What was he then?

THE WITNESS: He was the veterinarian for the local animals--

10 THE COMMISSIONER: Pardon me?

THE WITNESS: For the local animals.

THE COMMISSIONER: I thought you said he was the one you were selling your product to.

15 THE WITNESS: I sold the product to Ross University.

THE COMMISSIONER: Well, do they have a vet at the school?

THE WITNESS: They have several.

20 THE COMMISSIONER: Well did you not discuss your use of these steroids on animals with several vets on the island?

THE WITNESS: No.

THE COMMISSIONER: Why not?

25 THE WITNESS: They are not allowed to talk to you about it.

THE COMMISSIONER: Pardon?

THE WITNESS: They're not allowed to discuss that matter with you.

THE COMMISSIONER: Well, you're not allowed
5 to discuss the use of steroids on animals? It's
well-known that steroids sometimes are used on animals,
even horse races. They're just starting to look into the
matter now. You wouldn't discuss the use of steroids with
any of the vets on the island? There is a school of
10 veterinarians. You never discussed it with them at all,
not one of them?

THE WITNESS: No, I didn't.

THE COMMISSIONER: How many veterinarian
surgeons were there on the island? How many were at the
15 school?

THE WITNESS: I couldn't tell you.

THE COMMISSIONER: And who did you sell
your product to? To one of the vets at the Ross school?

THE WITNESS: I sold them to the school.

20 THE COMMISSIONER: For use by the
veterinarian?

THE WITNESS: Yes.

THE COMMISSIONER: And you didn't discuss
this with the people you were selling the product to?

25 THE WITNESS: No, I didn't.

THE COMMISSIONER: Or get the benefit of their advice, no disrespect to Dr. Astaphan, he is not a vet. He doesn't know how steroids will react on animals.

THE WITNESS: No, I didn't.

5 THE COMMISSIONER: And you have been doing this for years?

THE WITNESS: Yes.

THE COMMISSIONER: And all this opportunity of discussing it with the experts that you were--

10 THE WITNESS: Those experts are not allowed to talk to you or anyone else on that island about any animals.

THE COMMISSIONER: About what?

15 THE WITNESS: Those veterinarians are not allowed to talk to you about animals.

THE COMMISSIONER: I see.

THE WITNESS: They are there to teach students and that's all. You can take a dog out to them and get them--

20 THE COMMISSIONER: You can't discuss with them the growth and development of your own animals?

THE WITNESS: No. They are not allowed to talk to you.

25 THE COMMISSIONER: They're not allowed to talk to you about that. Where do you live normally? Are

you American?

THE WITNESS: Yes.

THE COMMISSIONER: Did you ever speak to
any veterinarian surgeons or veterinarian types in the
5 United States?

THE WITNESS: No.

THE COMMISSIONER: Never?

THE WITNESS: No.

THE COMMISSIONER: Do you own horses in the
10 United States?

THE WITNESS: No.

THE COMMISSIONER: Or any animals?

THE WITNESS: No.

THE COMMISSIONER: All right. I'm sorry.
15 Any further questions?

MR. PORTER: Yes, I do have some. Thank
you.

Q. Why were you selling them to the Ross
20 Veterinary School? Why do they want these animals?

THE COMMISSIONER: Mr. Porter, you must
relate your questions to something that directly affects--

MR. PORTER: I'm going to go to his
25 credibility.

Q. Why were you selling them to the Ross Veterinary School, the animals?

A. Experimental.

Q. What?

5 A. They'd use them for experimental animals.

THE COMMISSIONER: Research.

MR. PORTER:

10 Q. Oh, experimental. So as you've answered the Commissioner, you didn't tell them that they had been taking the steroids?

A. No.

15 Q. Now, you had a friend advise you as to what the dosages was other than Dr. Astaphan?

A. Yes.

Q. Somebody on the island?

A. Yes.

Q. Was he a doctor?

20 A. No.

Q. So you just kind of doubled the dose?

A. Yes.

Q. And did you keep any receipts for this?

A. No.

25 Q. It must have been fairly expensive if

you're buying a lot of this stuff?

A. Yes.

Q. Do you remember exactly what you were
buying? I think you said you started in '83. Was it '83
5 or '84?

A. '83.

Q. When in '83?

A. Sometime in '83. It's been quite some
time ago.

10 Q. Do you keep any records?

A. No.

THE COMMISSIONER: I think he has told us
that. This was all cash.

A. The only record was--

15

MR. PORTER:

Q. This is all expenses to you?

A. Yes.

Q. So you don't have an exact total of
20 what you got from Dr. Astaphan?

A. No.

Q. And did you--I think you said you
thought you started sometime in '83?

A. Yes.

25 Q. What I didn't know, how did you

remember '83 or '84?

A. I said '83-'84.

Q. But how did you remember when you were
buying from Dr. Astaphan? I mean, is this just out of the
5 air?

THE COMMISSIONER: He is giving his
recollection. You have no record to help you?

THE WITNESS: No, I wish I did.

10 MR. PORTER:

Q. I would like to explore for a minute as
to what his recollection is. Might it have been early '84
or late '83?

A. I would say right around the middle of
15 of '83. In that area. I can't say, you know, two months.

Q. And then when did you start the
injectables?

A. It would be '85, '86, '87.

Q. '85, '86 or '87?

20 A. Yes.

Q. Any one of the three?

A. Yes.

Q. You might have started in '87?

A. No, I started before that.

25 Q. '86?

A. It could have been.

Q. You're not very sure?

A. No.

5 Q. Once you first received a liquid
injectable from him?

A. I just can't pin down to say it's '83,
'84, '85--

10 Q. Or '86. So your mind is pretty hazy.
You don't have any idea how much Dr. Astaphan had
purchased up in Canada?

A. I have no idea.

THE COMMISSIONER: He wouldn't know that,
Mr. Porter.

15 A. I had no idea even where the medicine
was coming from.

Q. I beg your pardon?

A. I had no idea even where the medicine
was coming from, if he got it in Canada or where he got it
from.

20 Q. And all these animals got better?

A. All of them sold.

Q. Thank you.

THE COMMISSIONER: Mr. Levine?

25 MR. SOOKRAM: I would rather do this unless
you have a preference.

THE COMMISSIONER: Fine. You re-examine him.

MR. SOOKRAM:

5 Q. Mr. Hyatt, tell the Commissioner a little bit about what life is like in St. Kitts. Is there an income tax?

A. None.

10 Q. Do you have to keep records to give to anybody?

A. One person. Social security.

Q. Social security?

A. Yes.

15 Q. When people want, like yourself, when you want to buy cows or sheep or goats, what do you do?

A. We go out down in the villages and we kick them out of the bushes.

Q. Just chase them out of the bushes?

20 A. No, we try to find them. Wherever we can find them.

Q. And then you find the owner?

A. Right.

THE COMMISSIONER: They are at large, are they? They are wandering around, pretty well?

25 THE WITNESS: They are either tied on a

rope or they could be running around.

MR. SOOKRAM:

5 Q. Tell the Commissioner what the island
is like, the grazing facilities.

A. It's very bad. The only thing we have
to feed them is sugar cane. They go down to nothing.

Q. And three-quarters of the island is a
big rock?

10 A. Yes.

Q. So out of the acreage you had there,
that was a very sizeable estate?

A. Yes.

15 Q. And you did what you did to these
cattle without the knowledge of the owner of the estate?

A. I was allowed to do what I wanted to
do.

Q. Yes. You didn't consult with him?

A. I didn't have to.

20 Q. You didn't feel obliged to tell anybody
what you were doing?

A. It wasn't necessary.

Q. Had you taken scrawny animals to the
institute, would they have bought it?

25 A. Yes.

Q. They would have?

A. Yes.

Q. Would you have got the same kind of
price?

5 A. No.

Q. No further questions.

THE COMMISSIONER: Thank you very much.
Re-examination?

MS. CHOWN: No, thank you, Mr.
10 Commissioner.

THE COMMISSIONER: Well, thank you very
much. Tomorrow morning at ten o'clock.

---Proceedings adjourned.

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